

(3) return the property when required.

(c) REGULATIONS.—The Secretary of the Navy shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary to safeguard the interests of the United States.

(Added Pub. L. 110-181, div. A, title III, §377(a), Jan. 28, 2008, 122 Stat. 85.)

#### § 7913. Supplies: military instruction camps

Under such conditions as he may prescribe, the Secretary of the Navy may issue, to any educational institution at which an officer of the naval service is detailed as professor of naval science, such supplies as are necessary to establish and maintain a camp for the military instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, for the care and safekeeping of that property and except for property properly expended, for its return when required.

(Added Pub. L. 110-181, div. A, title III, §377(a), Jan. 28, 2008, 122 Stat. 85.)

### Subtitle D—Air Force

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#### AMENDMENTS

2003—Pub. L. 108-136, div. A, title V, §576(c)(2), Nov. 24, 2003, 117 Stat. 1488, added item for chapter 875.

1999—Pub. L. 106-65, div. A, title VII, §721(c)(8), Oct. 5, 1999, 113 Stat. 695, substituted “Disposition” for “Inquests; Disposition” and “9712” for “9711” in item for chapter 945.

1996—Pub. L. 104-106, div. A, title XV, §1503(b)(6), Feb. 10, 1996, 110 Stat. 513, inserted comma after “SUPPLY” in heading for part IV.

1994—Pub. L. 103-337, div. A, title XVI, §1674(a), Oct. 5, 1994, 108 Stat. 3016, struck out items for chapters 837 “Appointments as Reserve Officers” and 863 “Separation or Transfer to Retired Reserve”.

1993—Pub. L. 103-160, div. A, title VIII, §828(c)(8)(B), title XI, §1178(c), Nov. 30, 1993, 107 Stat. 1715, 1769, added item for chapter 905 and substituted “Civil Reserve Air Fleet” for “Industrial Mobilization, Research, and Development” and “9511” for “9501” in item for chapter 931.

1987—Pub. L. 100-26, §7(j)(10)(B), Apr. 21, 1987, 101 Stat. 283, substituted “8011” for “8010” in item for chapter 803.

1980—Pub. L. 96-513, title V, §§504(1), 514(1), Dec. 12, 1980, 94 Stat. 2915, 2935, substituted “8010” for “8011” in item for chapter 803 and struck out items for chapters 859 “Separation from Regular Air Force for Substandard Performance of Duty”, 860 “Separation from Regular Air Force for Moral or Professional Dereliction or in Interests of National Security”, and 865 “Retirement for Age”.

1968—Pub. L. 90-377, §5, July 5, 1968, 82 Stat. 288, struck out item for chapter 851 “United States Disciplinary Barracks”.

Pub. L. 90-235, §8(6), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 847 “The Uniform”.

1964—Pub. L. 88-647, title III, §301(27), Oct. 13, 1964, 78 Stat. 1073, struck out item for chapter 905 “Air Force Reserve Officers’ Training Corps”.

1960—Pub. L. 86-616, §§7(b), 8(b), July 12, 1960, 74 Stat. 393, 395, substituted “Substandard Performance of Duty” for “Failure to Meet Standards” in item for chapter 859 and added item for chapter 860.

1958—Pub. L. 85-861, §1(193), Sept. 2, 1958, 72 Stat. 1538, substituted “8841” for “[No present sections]” in item for chapter 863.

#### PART I—ORGANIZATION

Chap.		Sec.
801.	Definitions. [No present sections.]	
803.	Department of the Air Force .....	8011
805.	The Air Staff .....	8031
807.	The Air Force .....	8061

#### AMENDMENTS

1987—Pub. L. 100-26, §7(j)(10)(B), Apr. 21, 1987, 101 Stat. 283, substituted “8011” for “8010” in item for chapter 803.

1980—Pub. L. 96-513, title V, §514(1), Dec. 12, 1980, 94 Stat. 2935, substituted “8010” for “8011” in item for chapter 803.

## CHAPTER 801—DEFINITIONS

[No present sections]

## CHAPTER 803—DEPARTMENT OF THE AIR FORCE

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8011.	Organization.
8012.	Department of the Air Force: seal.
8013.	Secretary of the Air Force.
8014.	Office of the Secretary of the Air Force.
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8016.	Assistant Secretaries of the Air Force.
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### AMENDMENTS

2006—Pub. L. 109-163, div. A, title IX, §904(e)(2), Jan. 6, 2006, 119 Stat. 3402, added item 8024.

2002—Pub. L. 107-314, div. A, title V, §504(e)(1)(B), Dec. 2, 2002, 116 Stat. 2532, added item 8023.

1988—Pub. L. 100-456, div. A, title VII, §702(c)(3), Sept. 29, 1988, 102 Stat. 1996, added item 8022.

1986—Pub. L. 99-433, title V, §521(b), Oct. 1, 1986, 100 Stat. 1060, amended analysis generally, substituting items 8011 to 8021 for former items 8010 to 8019.

1967—Pub. L. 90-168, §2(20), Dec. 1, 1967, 81 Stat. 525, added item 8019.

1964—Pub. L. 88-426, title III, §§305(40)(B), 306(j)(8), Aug. 14, 1964, 78 Stat. 427, 432, struck out “; compensation” from item 8012, and struck out item 8018 “Compensation of General Counsel”.

1962—Pub. L. 87-651, title II, §213(b), Sept. 7, 1962, 76 Stat. 524, added item 8010.

1958—Pub. L. 85-861, §1(154)(B), Sept. 2, 1958, 72 Stat. 1513, added item 8018.

### [§ 8010. Renumbered § 8011]

#### § 8011. Organization

The Department of the Air Force is separately organized under the Secretary of the Air Force. It operates under the authority, direction, and control of the Secretary of Defense.

(Added Pub. L. 87-651, title II, §213(a), Sept. 7, 1962, 76 Stat. 524, §8010; renumbered §8011, Pub. L. 99-433, title V, §521(a)(1), Oct. 1, 1986, 100 Stat. 1055.)

### HISTORICAL AND REVISION NOTES 1962 AMENDMENT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8010 .....	5:171a(c)(7) (1st sentence, as applicable to Department of Air Force).	July 26, 1947, ch. 343, §202(c)(7) (1st sentence as applicable to Department of Air Force); added Aug. 6, 1958, Pub. L. 85-599, §3(a) (1st sentence of 8th par., as applicable to Department of Air Force), 72 Stat. 516.

The word “operates” is substituted for the words “shall function”.

### PRIOR PROVISIONS

A prior section 8011 was renumbered section 8012 of this title.

#### § 8012. Department of the Air Force: seal

The Secretary of the Air Force shall have a seal for the Department of the Air Force. The design of the seal must be approved by the President. Judicial notice shall be taken of the seal.

(Aug. 10, 1956, ch. 1041, 70A Stat. 488, §8011; renumbered §8012, Pub. L. 99-433, title V, §521(a)(1), Oct. 1, 1986, 100 Stat. 1055.)

### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8011 .....	5:626(g).	July 26, 1947, ch. 343, §207(g), 61 Stat. 503.

The words “of office” are omitted as surplusage. The words “a design” are substituted for the words “such device”.

### PRIOR PROVISIONS

A prior section 8012 was renumbered section 8013 of this title and subsequently repealed.

### EX. ORD. NO. 9902. SEAL FOR THE DEPARTMENT OF THE AIR FORCE

Ex. Ord. No. 9902, Nov. 1, 1947, 12 F.R. 7153, provided: WHEREAS section 207(g) of the National Security Act of 1947, approved July 26, 1947 (Public Law 253, 80th Congress 1st Session) provides, in part, that the Secretary of the Air Force shall cause a seal of office to be made for the Department of the Air Force of such device as the President shall approve; and

WHEREAS the Secretary of the Air Force has caused to be made and has recommended that I approve a seal the design of which accompanies and is hereby made a part of this order, and which is described in heraldic terms as follows:

SHIELD: Per fess nebuly abased azure and argent, in chief a thunderbolt or inflamed proper.

CREST: On a wreath argent and azure an American bald eagle, wings displayed and partially elevated proper in front of a cloud argent.

Encircling the shield and crest an arc of thirteen stars and below the shield the inscription “MCMXLVII”.

On a band encircling the whole the inscriptions “Department of the Air Force” and “United States of America.”

When illustrating the seal in color the background shall be ultramarine blue, the shield a light blue and white, and the thunderbolt in gold with flames in natural color. The twists of the wreath shall be alternated white and blue, and the eagle shall be in natural color in front of a white cloud. The thirteen stars shall be white, and the Roman numerals shall be gold. The encircling band shall be white edged in gold with black letters.

AND WHEREAS it appears that such seal is of suitable design and is appropriate for establishment as the official seal of the Department of the Air Force:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the said section 207(g) of the National Security Act of 1947, I hereby approve such seal as the official seal of the Department of the Air Force.

HARRY S. TRUMAN.

#### § 8013. Secretary of the Air Force

(a)(1) There is a Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate. The Secretary is the head of the Department of the Air Force.

(2) A person may not be appointed as Secretary of the Air Force within five years after

relief from active duty as a commissioned officer of a regular component of an armed force.

(b) Subject to the authority, direction, and control of the Secretary of Defense and subject to the provisions of chapter 6 of this title, the Secretary of the Air Force is responsible for, and has the authority necessary to conduct, all affairs of the Department of the Air Force, including the following functions:

- (1) Recruiting.
- (2) Organizing.
- (3) Supplying.
- (4) Equipping (including research and development).
- (5) Training.
- (6) Servicing.
- (7) Mobilizing.
- (8) Demobilizing.
- (9) Administering (including the morale and welfare of personnel).
- (10) Maintaining.
- (11) The construction, outfitting, and repair of military equipment.
- (12) The construction, maintenance, and repair of buildings, structures, and utilities and the acquisition of real property and interests in real property necessary to carry out the responsibilities specified in this section.

(c) Subject to the authority, direction, and control of the Secretary of Defense, the Secretary of the Air Force is also responsible to the Secretary of Defense for—

- (1) the functioning and efficiency of the Department of the Air Force;
- (2) the formulation of policies and programs by the Department of the Air Force that are fully consistent with national security objectives and policies established by the President or the Secretary of Defense;
- (3) the effective and timely implementation of policy, program, and budget decisions and instructions of the President or the Secretary of Defense relating to the functions of the Department of the Air Force;
- (4) carrying out the functions of the Department of the Air Force so as to fulfill the current and future operational requirements of the unified and specified combatant commands;
- (5) effective cooperation and coordination between the Department of the Air Force and the other military departments and agencies of the Department of Defense to provide for more effective, efficient, and economical administration and to eliminate duplication;
- (6) the presentation and justification of the positions of the Department of the Air Force on the plans, programs, and policies of the Department of Defense; and
- (7) the effective supervision and control of the intelligence activities of the Department of the Air Force.

(d) The Secretary of the Air Force is also responsible for such other activities as may be prescribed by law or by the President or Secretary of Defense.

(e) After first informing the Secretary of Defense, the Secretary of the Air Force may make such recommendations to Congress relating to the Department of Defense as he considers appropriate.

(f) The Secretary of the Air Force may assign such of his functions, powers, and duties as he considers appropriate to the Under Secretary of the Air Force and to the Assistant Secretaries of the Air Force. Officers of the Air Force shall, as directed by the Secretary, report on any matter to the Secretary, the Under Secretary, or any Assistant Secretary.

(g) The Secretary of the Air Force may—

- (1) assign, detail, and prescribe the duties of members of the Air Force and civilian personnel of the Department of the Air Force;
- (2) change the title of any officer or activity of the Department of the Air Force not prescribed by law; and
- (3) prescribe regulations to carry out his functions, powers, and duties under this title.

(Added Pub. L. 99-433, title V, § 521(a)(3), Oct. 1, 1986, 100 Stat. 1055; amended Pub. L. 99-661, div. A, title V, § 534, Nov. 14, 1986, 100 Stat. 3873; Pub. L. 108-136, div. A, title IX, § 901, Nov. 24, 2003, 117 Stat. 1558.)

#### PRIOR PROVISIONS

A prior section 8013, acts Aug. 10, 1956, ch. 1041, 70A Stat. 488, § 8012; Sept. 2, 1958, Pub. L. 85-861, § 1(152), 72 Stat. 1513; Sept. 7, 1962, Pub. L. 87-651, title II, § 211, 76 Stat. 524; Aug. 14, 1964, Pub. L. 88-426, title III, §§ 305(7), 306(j)(7), 78 Stat. 423, 432; renumbered § 8013, Oct. 1, 1986, Pub. L. 99-433, title V, § 521(a)(1), 100 Stat. 1055, related to Secretary of the Air Force, powers and duties, and delegations, prior to repeal by Pub. L. 99-433, § 521(a)(3).

Another prior section 8013 was renumbered section 8014 of this title and subsequently repealed.

#### AMENDMENTS

2003—Subsec. (c)(4). Pub. L. 108-136 struck out “(to the maximum extent practicable)” after “fulfill”.

1986—Subsec. (a)(2). Pub. L. 99-661 substituted “five years” for “10 years”.

#### ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Air Force, see Ex. Ord. No. 12909, Apr. 22, 1994, 59 F.R. 21909, set out as a note under section 3345 of Title 5.

#### § 8014. Office of the Secretary of the Air Force

(a) There is in the Department of the Air Force an Office of the Secretary of the Air Force. The function of the Office is to assist the Secretary of the Air Force in carrying out his responsibilities.

(b) The Office of the Secretary of the Air Force is composed of the following:

- (1) The Under Secretary of the Air Force.
- (2) The Assistant Secretaries of the Air Force.
- (3) The General Counsel of the Department of the Air Force.
- (4) The Inspector General of the Air Force.
- (5) The Chief of Legislative Liaison.
- (6) The Air Reserve Forces Policy Committee.
- (7) Such other offices and officials as may be established by law or as the Secretary of the Air Force may establish or designate.

(c)(1) The Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the following functions:

- (A) Acquisition.

- (B) Auditing.
- (C) Comptroller (including financial management).
- (D) Information management.
- (E) Inspector General.
- (F) Legislative affairs.
- (G) Public affairs.

(2) The Secretary of the Air Force shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct each function specified in paragraph (1). No office or other entity may be established or designated within the Air Staff to conduct any of the functions specified in paragraph (1).

(3) The Secretary shall prescribe the relationship of each office or other entity established or designated under paragraph (2) to the Chief of Staff and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

(4) The vesting in the Office of the Secretary of the Air Force of the responsibility for the conduct of a function specified in paragraph (1) does not preclude other elements of the executive part of the Department of the Air Force (including the Air Staff) from providing advice or assistance to the Chief of Staff or otherwise participating in that function within the executive part of the Department under the direction of the office assigned responsibility for that function in the Office of the Secretary of the Air Force.

(5) The head of the office or other entity established or designated by the Secretary to conduct the auditing function shall have at least five years of professional experience in accounting or auditing. The position shall be considered to be a career reserved position as defined in section 3132(a)(8) of title 5.

(d)(1) Subject to paragraph (2), the Office of the Secretary of the Air Force shall have sole responsibility within the Office of the Secretary and the Air Staff for the function of research and development.

(2) The Secretary of the Air Force may assign to the Air Staff responsibility for those aspects of the function of research and development that relate to military requirements and test and evaluation.

(3) The Secretary shall establish or designate a single office or other entity within the Office of the Secretary of the Air Force to conduct the function specified in paragraph (1).

(4) The Secretary shall prescribe the relationship of the office or other entity established or designated under paragraph (3) to the Chief of Staff of the Air Force and to the Air Staff and shall ensure that each such office or entity provides the Chief of Staff such staff support as the Chief of Staff considers necessary to perform his duties and responsibilities.

(e) The Secretary of the Air Force shall ensure that the Office of the Secretary of the Air Force and the Air Staff do not duplicate specific functions for which the Secretary has assigned responsibility to the other.

(f)(1) The total number of members of the armed forces and civilian employees of the De-

partment of the Air Force assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 2,639.

(2) Not more than 1,585 officers of the Air Force on the active-duty list may be assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff.

(3) The total number of general officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force and on the Air Staff may not exceed 60.

(4) The limitations in paragraphs (1), (2), and (3) do not apply in time of war or during a national emergency declared by the President or Congress. The limitation in paragraph (2) does not apply whenever the President determines that it is in the national interest to increase the number of officers assigned or detailed to permanent duty in the Office of the Secretary of the Air Force or on the Air Staff.

(Added Pub. L. 99-433, title V, § 521(a)(3), Oct. 1, 1986, 100 Stat. 1057; amended Pub. L. 100-180, div. A, title XIII, § 1314(b)(7), Dec. 4, 1987, 101 Stat. 1175; Pub. L. 100-456, div. A, title III, § 325(c), Sept. 29, 1988, 102 Stat. 1955; Pub. L. 101-189, div. A, title VI, § 652(a)(4), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 107-107, div. A, title X, § 1048(a)(29), Dec. 28, 2001, 115 Stat. 1225; Pub. L. 107-314, div. A, title V, § 504(e)(2), Dec. 2, 2002, 116 Stat. 2533.)

#### PRIOR PROVISIONS

A prior section 8014, acts Aug. 10, 1956, ch. 1041, 70A Stat. 489, § 8013; Aug. 6, 1958, Pub. L. 85-599, § 8(c), 72 Stat. 520; Sept. 2, 1958, Pub. L. 85-861, § 1(153), 72 Stat. 1513; Aug. 14, 1964, Pub. L. 88-426, title III, § 305(8), 78 Stat. 423; Dec. 1, 1967, Pub. L. 90-168, § 2(15), 81 Stat. 523; Nov. 9, 1979, Pub. L. 96-107, title VIII, § 820(d), 93 Stat. 819; renumbered § 8014, Oct. 1, 1986, Pub. L. 99-433, title V, § 521(a)(1), 100 Stat. 1055, related to Under Secretary and Assistant Secretaries of the Air Force, appointment, and duties, prior to repeal by Pub. L. 99-433, § 521(a)(3).

Another prior section 8014 was renumbered section 8015 of this title and subsequently repealed.

#### AMENDMENTS

2002—Subsec. (b)(5) to (7). Pub. L. 107-314 added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively.

2001—Subsec. (f)(3). Pub. L. 107-107 substituted “60” for “the number equal to 85 percent of the number of general officers assigned or detailed to such duty on the date of the enactment of this subsection”.

1989—Subsec. (f)(5). Pub. L. 101-189 struck out par. (5) which read as follows: “The limitations in paragraphs (1), (2), and (3) do not apply before October 1, 1988.”

1988—Subsec. (c)(5). Pub. L. 100-456 added par. (5).

1987—Subsec. (f)(4). Pub. L. 100-180 inserted “the President or” after “declared by”.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Requirements of subsec. (c)(5) of this section applicable with respect to any person appointed on or after Sept. 29, 1988, as head of office or other entity designated for conducting auditing function in a military department, see section 325(d)(1) of Pub. L. 100-456, set out as a note under section 5014 of this title.

#### EFFECTIVE DATE

Subsecs. (c) and (d) of this section to be implemented not later than 180 days after Oct. 1, 1986, see section 532(a) of Pub. L. 99-433, set out as a note under section 3014 of this title.

EXCEPTIONS AND ADJUSTMENTS TO LIMITATIONS ON  
PERSONNEL

Baseline personnel limitations in this section inapplicable to certain acquisition personnel and personnel hired pursuant to a shortage category designation for fiscal year 2009 and fiscal years thereafter, and Secretary of Defense or a secretary of a military department authorized to adjust such limitations for fiscal year 2009 and fiscal years thereafter, see section 1111 of Pub. L. 110-417, set out as a note under section 143 of this title.

**§ 8015. Under Secretary of the Air Force**

(a) There is an Under Secretary of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The Under Secretary shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

(Added Pub. L. 99-433, title V, § 521(a)(3), Oct. 1, 1986, 100 Stat. 1058.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 8013 of this title prior to enactment of Pub. L. 99-433.

A prior section 8015, acts Aug. 10, 1956, ch. 1041, 70A Stat. 489, § 8014; renumbered § 8015, Oct. 1, 1986, Pub. L. 99-433, title V, § 521(a)(1), 100 Stat. 1055, related to Comptroller and Deputy Comptroller of the Air Force, powers and duties, and appointment, prior to repeal by Pub. L. 99-433, § 521(a)(3).

ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Air Force, see Ex. Ord. No. 12909, Apr. 22, 1994, 59 F.R. 21909, set out as a note under section 3345 of Title 5.

**§ 8016. Assistant Secretaries of the Air Force**

(a) There are four Assistant Secretaries of the Air Force. They shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b)(1) The Assistant Secretaries shall perform such duties and exercise such powers as the Secretary of the Air Force may prescribe.

(2) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Manpower and Reserve Affairs. He shall have as his principal duty the overall supervision of manpower and reserve component affairs of the Department of the Air Force.

(3) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Financial Management. The Assistant Secretary shall have as his principal responsibility the exercise of the comptroller functions of the Department of the Air Force, including financial management functions. The Assistant Secretary shall be responsible for all financial management activities and operations of the Department of the Air Force and shall advise the Secretary of the Air Force on financial management.

(4)(A) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Acquisition. The principal duty of the Assistant Secretary shall be the overall supervision of acquisition matters of the Department of the Air Force.

(B) The Assistant Secretary shall have a Principal Military Deputy, who shall be a lieutenant general of the Air Force on active duty. The Principal Military Deputy shall be appointed from among officers who have significant experience in the areas of acquisition and program management. The position of Principal Military Deputy shall be designated as a critical acquisition position under section 1733 of this title.

(Added Pub. L. 99-433, title V, § 521(a)(3), Oct. 1, 1986, 100 Stat. 1058; amended Pub. L. 100-456, div. A, title VII, § 702(c)[(1)], (d), Sept. 29, 1988, 102 Stat. 1995, 1996; Pub. L. 110-181, div. A, title IX, § 908(c), Jan. 28, 2008, 122 Stat. 278.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 3013 of this title prior to enactment of Pub. L. 99-433.

AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-181 added par. (4).

1988—Subsec. (a). Pub. L. 100-456, § 702(d), substituted “four” for “three”.

Subsec. (b)(3). Pub. L. 100-456, § 702(c)[(1)], added par. (3).

EFFECTIVE DATE OF 1988 AMENDMENT

Section 702(e)(2) of Pub. L. 100-456 provided that: “The amendments made by subsections (c) and (d) [enacting section 8022 of this title and amending this section] shall take effect on July 1, 1989, except that such amendments shall take effect on such earlier date, but not before January 21, 1989, as may be prescribed by the President in advance by Executive order.”

**§ 8017. Secretary of the Air Force: successors to duties**

If the Secretary of the Air Force dies, resigns, is removed from office, is absent, or is disabled, the person who is highest on the following list, and who is not absent or disabled, shall perform the duties of the Secretary until the President, under section 3347<sup>1</sup> of title 5, directs another person to perform those duties or until the absence or disability ceases:

(1) The Under Secretary of the Air Force.

(2) The Assistant Secretaries of the Air Force, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense.

(3) The General Counsel of the Department of the Air Force.

(4) The Chief of Staff.

(Aug. 10, 1956, ch. 1041, 70A Stat. 489; Pub. L. 89-718, § 23, Nov. 2, 1966, 80 Stat. 1118; Pub. L. 90-235, § 4(a)(9), Jan. 2, 1968, 81 Stat. 760; Pub. L. 99-433, title V, § 521(a)(4), Oct. 1, 1986, 100 Stat. 1058; Pub. L. 103-337, div. A, title IX, § 902(c), Oct. 5, 1994, 108 Stat. 2823.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8017(a) .....	5:626-1(b).	Sept. 19, 1951, ch. 407, § 102 (less (a)), 65 Stat. 327.
8017(b) .....	5:626-1(c).	

In subsection (a), the word “person” is substituted for the words “officer of the United States”. The words

<sup>1</sup> See References in Text note below.

“until a successor is appointed” are omitted as surplusage.

Subsection (b) is substituted for 5:626-1(c) and states the effect of section 8544(b) of this title.

#### REFERENCES IN TEXT

Section 3347 of title 5, referred to in text, was repealed and a new section 3347 was enacted by Pub. L. 105-277, div. C, title I, § 151(b), Oct. 21, 1998, 112 Stat. 2681-611, and, as so enacted, no longer contains provisions authorizing the President to direct temporary successors to duties. See section 3345 of Title 5, Government Organization and Employees.

#### AMENDMENTS

1994—Pars. (3), (4). Pub. L. 103-337 added par. (3) and redesignated former par. (3) as (4).

1986—Pub. L. 99-433 struck out subsec. (a) designation, substituted in par. (2) “, in the order prescribed by the Secretary of the Air Force and approved by the Secretary of Defense” for “in order of their length of service as such”, and struck out subsec. (b) which read as follows: “Performance of the duties of the Secretary by the Chief of Staff or any officer of the Air Force designated under section 3347 of title 5 shall not be considered as the holding of a civil office within the meaning of section 973(b) of this title.”

1968—Subsec. (b). Pub. L. 90-235 substituted “section 973(b) of this title” for “section 8544(b) of this title”.

1966—Pub. L. 89-718 substituted “section 3347 of title 5” for “section 6 of title 5” wherever appearing.

#### ORDER OF SUCCESSION

For order of succession in event of death, permanent disability, or resignation of Secretary of the Air Force, see Ex. Ord. No. 12909, Apr. 22, 1994, 59 F.R. 21909, set out as a note under section 3345 of Title 5.

### § 8018. Administrative Assistant

The Secretary of the Air Force may appoint an Administrative Assistant in the Office of the Secretary of the Air Force. The Administrative Assistant shall perform such duties as the Secretary may prescribe.

(Added Pub. L. 99-433, title V, § 521(a)(5), Oct. 1, 1986, 100 Stat. 1059.)

#### PRIOR PROVISIONS

A prior section 8018, added Pub. L. 85-861, § 1(154)(A), Sept. 2, 1958, 72 Stat. 1513, prescribed compensation of General Counsel of Department of the Air Force, prior to repeal by Pub. L. 88-426, title III, § 305(40)(A), Aug. 14, 1964, 78 Stat. 427, eff. first day of first pay period beginning on or after July 1, 1964. See section 5316 of Title 5, Government Organization and Employees.

### § 8019. General Counsel

(a) There is a General Counsel of the Department of the Air Force, appointed from civilian life by the President, by and with the advice and consent of the Senate.

(b) The General Counsel shall perform such functions as the Secretary of the Air Force may prescribe.

(Added Pub. L. 99-433, title V, § 521(a)(5), Oct. 1, 1986, 100 Stat. 1059; amended Pub. L. 100-456, div. A, title VII, § 703(a), Sept. 29, 1988, 102 Stat. 1996.)

#### PRIOR PROVISIONS

A prior section 8019 was renumbered section 8038 of this title.

#### AMENDMENTS

1988—Subsec. (a). Pub. L. 100-456 inserted “, by and with the advice and consent of the Senate” before period at end.

#### EFFECTIVE DATE OF 1988 AMENDMENT

Amendment by Pub. L. 100-456 applicable to appointments made under this section on and after Sept. 29, 1988, see section 703(c) of Pub. L. 100-456, set out as a note under section 3019 of this title.

### § 8020. Inspector General

(a) There is an Inspector General of the Air Force who shall be detailed to such position by the Secretary of the Air Force from the general officers of the Air Force. An officer may not be detailed to such position for a tour of duty of more than four years, except that the Secretary may extend such a tour of duty if he makes a special finding that the extension is necessary in the public interest.

(b) When directed by the Secretary or the Chief of Staff, the Inspector General shall—

(1) inquire into and report upon the discipline, efficiency, and economy of the Air Force; and

(2) perform any other duties prescribed by the Secretary or the Chief of Staff.

(c) The Inspector General shall periodically propose programs of inspections to the Secretary of the Air Force and shall recommend additional inspections and investigations as may appear appropriate.

(d) The Inspector General shall cooperate fully with the Inspector General of the Department of Defense in connection with the performance of any duty or function by the Inspector General of the Department of Defense under the Inspector General Act of 1978 (5 U.S.C. App. 3) regarding the Department of the Air Force.

(e) The Inspector General shall have such deputies and assistants as the Secretary of the Air Force may prescribe. Each such deputy and assistant shall be an officer detailed by the Secretary to that position from the officers of the Air Force for a tour of duty of not more than four years, under a procedure prescribed by the Secretary.

(Added Pub. L. 99-433, title V, § 521(a)(5), Oct. 1, 1986, 100 Stat. 1059.)

#### REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (d), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

### § 8021. Air Force Reserve Forces Policy Committee

There is in the Office of the Secretary of the Air Force an Air Force Reserve Forces Policy Committee. The functions, membership, and organization of that committee are set forth in section 10305 of this title.

(Added Pub. L. 103-337, div. A, title XVI, § 1661(b)(4)(B), Oct. 5, 1994, 108 Stat. 2982.)

#### PRIOR PROVISIONS

A prior section 8021 was renumbered section 10305 of this title.

#### EFFECTIVE DATE

Section effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as a note under section 10001 of this title.

**§ 8022. Financial management**

(a) The Secretary of the Air Force shall provide that the Assistant Secretary of the Air Force for Financial Management shall direct and manage financial management activities and operations of the Department of the Air Force, including ensuring that financial management systems of the Department of the Air Force comply with subsection (b). The authority of the Assistant Secretary for such direction and management shall include the authority to—

(1) supervise and direct the preparation of budget estimates of the Department of the Air Force and otherwise carry out, with respect to the Department of the Air Force, the functions specified for the Under Secretary of Defense (Comptroller) in section 135(c) of this title;

(2) approve and supervise any project to design or enhance a financial management system for the Department of the Air Force; and

(3) approve the establishment and supervise the operation of any asset management system of the Department of the Air Force, including—

(A) systems for cash management, credit management, and debt collection; and

(B) systems for the accounting for the quantity, location, and cost of property and inventory.

(b)(1) Financial management systems of the Department of the Air Force (including accounting systems, internal control systems, and financial reporting systems) shall be established and maintained in conformance with—

(A) the accounting and financial reporting principles, standards, and requirements established by the Comptroller General under section 3511 of title 31; and

(B) the internal control standards established by the Comptroller General under section 3512 of title 31.

(2) Such systems shall provide for—

(A) complete, reliable, consistent, and timely information which is prepared on a uniform basis and which is responsive to the financial information needs of department management;

(B) the development and reporting of cost information;

(C) the integration of accounting and budgeting information; and

(D) the systematic measurement of performance.

(c) The Assistant Secretary shall maintain a five-year plan describing the activities the Department of the Air Force proposes to conduct over the next five fiscal years to improve financial management. Such plan shall be revised annually.

(d) The Assistant Secretary of the Air Force for Financial Management shall transmit to the Secretary of the Air Force a report each year on the activities of the Assistant Secretary during the preceding year. Each such report shall include a description and analysis of the status of Department of the Air Force financial management.

(Added Pub. L. 100-456, div. A, title VII, § 702(c)(2), Sept. 29, 1988, 102 Stat. 1995; amended

Pub. L. 103-337, div. A, title X, § 1070(a)(15), Oct. 5, 1994, 108 Stat. 2856; Pub. L. 104-106, div. A, title XV, § 1503(b)(1), Feb. 10, 1996, 110 Stat. 512.)

**AMENDMENTS**

1996—Subsec. (a)(1). Pub. L. 104-106 substituted “Under Secretary of Defense (Comptroller)” for “Comptroller of the Department of Defense”.

1994—Subsec. (a)(1). Pub. L. 103-337 substituted “135(c)” for “137(c)”.

**EFFECTIVE DATE**

Section effective July 1, 1989, but with an earlier effective date, not before Jan. 21, 1989, if so prescribed by the President in advance by Executive order, see section 702(e)(2) of Pub. L. 100-456, set out as an Effective Date of 1988 Amendment note under section 8016 of this title.

**§ 8023. Chief of Legislative Liaison**

(a) There is a Chief of Legislative Liaison in the Department of the Air Force. An officer assigned to that position shall be an officer in the grade of major general.

(b) The Chief of Legislative Liaison shall perform legislative affairs functions as specified for the Office of the Secretary of the Air Force by section 8014(c)(1)(F) of this title.

(Added Pub. L. 107-314, div. A, title V, § 504(e)(1)(A), Dec. 2, 2002, 116 Stat. 2532.)

**§ 8024. Director of Small Business Programs**

(a) DIRECTOR.—There is a Director of Small Business Programs in the Department of the Air Force. The Director is appointed by the Secretary of the Air Force.

(b) OFFICE OF SMALL BUSINESS PROGRAMS.—The Office of Small Business Programs of the Department of the Air Force is the office that is established within the Department of the Air Force under section 15(k) of the Small Business Act (15 U.S.C. 644(k)). The Director of Small Business Programs is the head of such office.

(c) DUTIES AND POWERS.—(1) The Director of Small Business Programs shall, subject to paragraph (2), perform such duties regarding small business programs of the Department of the Air Force, and shall exercise such powers regarding those programs, as the Secretary of the Air Force may prescribe.

(2) Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), except for the designations of the Director and the Office, applies to the Director of Small Business Programs.

(Added Pub. L. 109-163, div. A, title IX, § 904(e)(1), Jan. 6, 2006, 119 Stat. 3401.)

**CHANGE OF NAME**

The Director of Small and Disadvantaged Business Utilization of the Department of the Air Force and the Office of Small and Disadvantaged Business Utilization of the Department of the Air Force were redesignated the Director of Small Business Programs of the Department of the Air Force and the Office of Small Business Programs of the Department of the Air Force, respectively, by Pub. L. 109-163 which also provided that references to the former were deemed to refer to the latter. See section 904(a) of Pub. L. 109-163, set out as a note under section 144 of this title.

**CHAPTER 805—THE AIR STAFF**

Sec.

8031.

The Air Staff: function; composition.

Sec.	
8032.	The Air Staff: general duties.
8033.	Chief of Staff.
8034.	Vice Chief of Staff.
8035.	Deputy Chiefs of Staff and Assistant Chiefs of Staff.
8036.	Surgeon General: appointment; grade.
8037.	Judge Advocate General, Deputy Judge Advocate General: appointment; duties.
8038.	Office of Air Force Reserve: appointment of Chief.

## AMENDMENTS

1986—Pub. L. 99-433, title V, §522(g)(1), Oct. 1, 1986, 100 Stat. 1063, amended analysis generally, substituting items 8031 to 8038 for former items 8031 to 8036.

1965—Pub. L. 89-288, §5(b), Oct. 22, 1965, 79 Stat. 1050, added item 8036.

**§ 8031. The Air Staff: function; composition**

(a) There is in the executive part of the Department of the Air Force an Air Staff. The function of the Air Staff is to assist the Secretary of the Air Force in carrying out his responsibilities.

(b) The Air Staff is composed of the following:

- (1) The Chief of Staff.
- (2) The Vice Chief of Staff.
- (3) The Deputy Chiefs of Staff.
- (4) The Assistant Chiefs of Staff.
- (5) The Surgeon General of the Air Force.
- (6) The Judge Advocate General of the Air Force.

(7) The Chief of the Air Force Reserve.

(8) Other members of the Air Force assigned or detailed to the Air Staff.

(9) Civilian employees in the Department of the Air Force assigned or detailed to the Air Staff.

(c) Except as otherwise specifically prescribed by law, the Air Staff shall be organized in such manner, and its members shall perform such duties and have such titles, as the Secretary may prescribe.

(Aug. 10, 1956, ch. 1041, 70A Stat. 490; Pub. L. 89-718, §45, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 93-608, §1(5), Jan. 2, 1975, 88 Stat. 1968; Pub. L. 98-525, title V, §515, Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99-433, title V, §522(a), Oct. 1, 1986, 100 Stat. 1060.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8031(a) .....	10:1811(a).	Sept. 19, 1951, ch. 407, §201, 65 Stat. 327.
8031(b) .....	10:1811(b).	
8031(c) .....	10:1811(c).	
8031(d) .....	10:1811(d).	

In subsection (a), the words “an Air Staff consisting of—” are substituted for the words “a staff, which shall be known as the Air Staff, and which shall consist of—”. The words “under regulations prescribed by the Secretary of the Air Force” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

In subsection (b), 10:1811(b) (proviso) is omitted as superseded by section 264(c) of this title.

In subsection (c), the third sentence is substituted for 10:1811(c) (1st 13 words and 1st proviso). The words “officers and employees \* \* \* or under the jurisdiction of” are omitted as surplusage.

In subsections (c) and (d), the word “hereafter” is omitted, since all wars and emergencies declared by

Congress before September 19, 1951, have been terminated.

In subsection (d), the words “now or hereafter” are omitted as surplusage and as executed. The second sentence is substituted for 10:1811(d) (last 31 words of 1st sentence). The third sentence is substituted for 10:1811(d) (2d sentence). 10:1811(d) (1st 13 words of last sentence) is omitted as executed. The words “This subsection does not apply” are substituted for the words “and shall be inapplicable”.

## AMENDMENTS

1986—Pub. L. 99-433 amended section generally, substituting “The Air Staff: function; composition” for “Composition: assignment and detail of members of Air Force and civilians” in section catchline and substituting in text provisions relating to establishment and composition of the Air Staff and authorizing the Secretary to prescribe the organization, duties, and titles of the Air Staff for provisions relating to establishment and composition of the Air Staff, authorizing the Secretary to prescribe the organization, duties, and titles of the Air Staff, and limiting the number of officers who may be assigned or detailed to permanent duty in the executive part of the Department of the Air Force.

1984—Subsec. (d). Pub. L. 98-525 struck out subsec. (d) which had provided that no commissioned officer who was assigned or detailed to duty in the executive part of the Department of the Air Force could serve for a tour of duty of more than four years, but that the Secretary could extend such a tour of duty if he made a special finding that the extension was necessary in the public interest, that no officer could be assigned or detailed to duty in the executive part of the Department of the Air Force within two years after relief from that duty, except upon a special finding by the Secretary that the assignment or detail was necessary in the public interest, and that the subsection did not apply in time of war, or of national emergency declared by Congress.

1975—Subsec. (c). Pub. L. 93-608 struck out requirement of annual report to Congress on the number of officers in the executive part of the Department of the Air Force and the justification therefor.

1966—Subsec. (c). Pub. L. 89-718 changed the reporting requirement from quarterly to annually.

## EFFECTIVE DATE OF 1984 AMENDMENT

Section 515 of Pub. L. 98-525 provided in part that the repeal of subsec. (d) of this section is effective Oct. 1, 1984.

**§ 8032. The Air Staff: general duties**

(a) The Air Staff shall furnish professional assistance to the Secretary, the Under Secretary, and the Assistant Secretaries of the Air Force, and the Chief of Staff of the Air Force.

(b) Under the authority, direction, and control of the Secretary of the Air Force, the Air Staff shall—

- (1) subject to subsections (c) and (d) of section 8014 of this title, prepare for such employment of the Air Force, and for such recruiting, organizing, supplying, equipping (including those aspects of research and development assigned by the Secretary of the Air Force), training, servicing, mobilizing, demobilizing, administering, and maintaining of the Air Force, as will assist in the execution of any power, duty, or function of the Secretary or the Chief of Staff;

- (2) investigate and report upon the efficiency of the Air Force and its preparation to support military operations by combatant commands;

- (3) prepare detailed instructions for the execution of approved plans and supervise the execution of those plans and instructions;



(4) as directed by the Secretary or the Chief of Staff, coordinate the action of organizations of the Air Force; and

(5) perform such other duties, not otherwise assigned by law, as may be prescribed by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 490; Pub. L. 85-599, §4(h), Aug. 6, 1958, 72 Stat. 517; Pub. L. 99-433, title V, §522(b), Oct. 1, 1986, 100 Stat. 1060.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8032(a) .....	10:1815(a).	Sept. 19, 1951, ch. 407, §205, 65 Stat. 329.
8032(b) .....	10:1815(b).	

In subsection (a), the word “furnish” is substituted for the word “render”.

In subsection (b)(1), the words “power, duty, or function of” are substituted for the words “power vested in, duty imposed upon, or function assigned to”.

In subsection (b)(2), the words “all questions affecting” and “state of” are omitted as surplusage.

#### AMENDMENTS

1986—Pub. L. 99-433, §522(b)(3), substituted “The Air Staff: general duties” for “General duties” in section catchline.

Subsec. (a). Pub. L. 99-433, §522(b)(1), inserted “of the Air Force” after “Chief of Staff”.

Subsec. (b). Pub. L. 99-433, §522(b)(2), substituted “Under the authority, direction, and control of the Secretary of the Air Force, the Air Staff” for “The Air Staff” before par. (1), inserted “subject to subsections (c) and (d) of section 8014 of this title,” and substituted “(including those aspects of research and development assigned by the Secretary of the Air Force), training, servicing, mobilizing, demobilizing, administering, and maintaining” for “, training, serving, mobilizing, and demobilizing” in par. (1), substituted “to support military operations by combatant commands” for “for military operations” in par. (2), and amended par. (4) generally. Prior to amendment, par. (4) read as follows: “act as agent of the Secretary and the Chief of Staff in coordinating the action of all organizations of the Department of the Air Force; and”.

1958—Subsec. (b)(1). Pub. L. 85-599 substituted “prepare for such employment of the Air Force” for “prepare such plans for the national security, for employment of the Air Force for that purpose, both separately and in conjunction with the land and naval forces”.

#### § 8033. Chief of Staff

(a)(1) There is a Chief of Staff of the Air Force, appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves at the pleasure of the President. In time of war or during a national emergency declared by Congress, he may be reappointed for a term of not more than four years.

(2) The President may appoint an officer as Chief of Staff only if—

(A) the officer has had significant experience in joint duty assignments; and

(B) such experience includes at least one full tour of duty in a joint duty assignment (as defined in section 664(f) of this title) as a general officer.

(3) The President may waive paragraph (2) in the case of an officer if the President determines such action is necessary in the national interest.

(b) The Chief of Staff, while so serving, has the grade of general without vacating his permanent grade.

(c) Except as otherwise prescribed by law and subject to section 8013(f) of this title, the Chief of Staff performs his duties under the authority, direction, and control of the Secretary of the Air Force and is directly responsible to the Secretary.

(d) Subject to the authority, direction, and control of the Secretary of the Air Force, the Chief of Staff shall—

(1) preside over the Air Staff;

(2) transmit the plans and recommendations of the Air Staff to the Secretary and advise the Secretary with regard to such plans and recommendations;

(3) after approval of the plans or recommendations of the Air Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

(4) exercise supervision, consistent with the authority assigned to commanders of unified or specified combatant commands under chapter 6 of this title, over such of the members and organizations of the Air Force as the Secretary determines;

(5) perform the duties prescribed for him by section 171 of this title and other provisions of law; and

(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President, the Secretary of Defense, or the Secretary of the Air Force.

(e)(1) The Chief of Staff shall also perform the duties prescribed for him as a member of the Joint Chiefs of Staff under section 151 of this title.

(2) To the extent that such action does not impair the independence of the Chief of Staff in the performance of his duties as a member of the Joint Chiefs of Staff, the Chief of Staff shall inform the Secretary regarding military advice rendered by members of the Joint Chiefs of Staff on matters affecting the Department of the Air Force.

(3) Subject to the authority, direction, and control of the Secretary of Defense, the Chief of Staff shall keep the Secretary of the Air Force fully informed of significant military operations affecting the duties and responsibilities of the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 492, §8034; Pub. L. 85-599, §4(d), (e), Aug. 6, 1958, 72 Stat. 517; Pub. L. 87-651, title I, §114, Sept. 7, 1962, 76 Stat. 513; Pub. L. 90-22, title IV, §403, June 5, 1967, 81 Stat. 53; Pub. L. 96-513, title V, §504(2), Dec. 12, 1980, 94 Stat. 2915; Pub. L. 97-22, §10(b)(9), July 10, 1981, 95 Stat. 137; renumbered §8033 and amended Pub. L. 99-433, title V, §522(c), Oct. 1, 1986, 100 Stat. 1061; Pub. L. 100-456, div. A, title V, §519(a)(3), Sept. 29, 1988, 102 Stat. 1972.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8034(a) .....	10:1812 (1st sentence).	Sept. 19, 1951, ch. 407, §202, 204, 65 Stat. 328.
8034(b) .....	10:1812 (less 1st sentence).	

HISTORICAL AND REVISION NOTES—CONTINUED  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8034(c) .....	10:1814(a) (1st 10 words). 10:1814(b) (2d sentence). 10:1814(c).	June 3, 1916, ch. 134, § 5 (last par.); added June 15, 1933, ch. 87, § 2 (last par.), 48 Stat. 154.
8034(d) .....	10:38 (last par.). 10:1814(a) (less 1st 10 words). 10:1814(b) (less 2d sentence).	

In subsection (a), the words “not for” are substituted for the words “no person shall serve as Chief of Staff for a term of”.

In subsection (b), the words “so serving” are substituted for the words “holding office as such”. The words “regular or reserve” are substituted for the word “permanent”, since there are no other “permanent” grades in the Air Force. The words “in the Air Force” are omitted as surplusage. The words “and shall take rank as prescribed by law” are omitted as superseded by section 743 of this title. The words “He shall receive the compensation prescribed by law” are omitted as covered by the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.).

In subsection (c), the provisions of 10:1814 relating to the direction of the Secretary of the Air Force over the Chief of Staff are combined. The words “and subsection (c) of this section” and “state of” are omitted as surplusage.

In subsection (d), 10:38 (last par.) is omitted as covered by 10:1814(a). The words “and other provisions of law” are substituted for the words “and by other laws”.

1962 ACT

The changes correct references to section 202(j) of the National Security Act of 1947, which is now set out as section 124 of title 10.

PRIOR PROVISIONS

A prior section 8033 was renumbered section 10305 of this title.

AMENDMENTS

1988—Subsec. (a)(2)(B). Pub. L. 100-456 substituted “full tour of duty in a joint duty assignment (as defined in section 664(f) of this title)” for “joint duty assignment”.

1986—Pub. L. 99-433 renumbered section 8034 of this title as this section, substituted “Chief of Staff” for “Chief of Staff; appointment; duties” in section catchline, and amended text generally. Prior to amendment, text read as follows:

“(a) The Chief of Staff shall be appointed for a period of four years by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force. He serves during the pleasure of the President. In time of war or national emergency declared by the Congress after December 31, 1968, he may be reappointed for a term of not more than four years.

“(b) The Chief of Staff, while so serving, has the grade of general without vacating his regular or reserve grade.

“(c) Except as otherwise prescribed by law and subject to section 8012(c) and (d) of this title, the Chief of Staff performs his duties under the direction of the Secretary of the Air Force, and is directly responsible to the Secretary for the efficiency of the Air Force, its preparedness for military operations, and plans therefor.

“(d) The Chief of Staff shall—

“(1) preside over the Air Staff;

“(2) send the plans and recommendations of the Air Staff to the Secretary, and advise him with regard thereto;

“(3) after approval of the plans or recommendations of the Air Staff by the Secretary, act as the agent of the Secretary in carrying them into effect;

“(4) exercise supervision over such of the members and organizations of the Air Force as the Secretary of the Air Force determines. Such supervision shall be exercised in a manner consistent with the full operational command vested in unified or specified combatant commanders under section 124 of this title.

“(5) perform the duties prescribed for him by sections 141 and 171 of this title and other provisions of law; and

“(6) perform such other military duties, not otherwise assigned by law, as are assigned to him by the President.”

1981—Subsec. (b). Pub. L. 97-22 struck out the comma after “his regular or reserve grade”.

1980—Subsec. (b). Pub. L. 96-513 struck out “and is counted as one of the officers authorized to serve in a grade above lieutenant general under section 8066 of this title” after “without vacating his regular or reserve grade”.

1967—Subsec. (a). Pub. L. 90-22 changed the requirement that the Chief of Staff be reappointed only with the advice and consent of the Senate by providing for his reappointment for a term of not more than four years by the President without such advice and consent in a time of war or national emergency as declared by the Congress.

1962—Subsec. (d)(4). Pub. L. 87-651 substituted “under section 124 of this title” for “pursuant to section 202(j) of the National Security Act of 1947, as amended”.

1958—Subsec. (d)(4) to (7). Pub. L. 85-599 redesignated pars. (5) to (7) as (4) to (6), respectively, and in par. (4), as redesignated, required the Chief of Staff to exercise supervision only as the Secretary of the Air Force determines and in a manner consistent with the full operational command vested in unified or specified combatant commanders. Former par. (4), which related to command over the air defense, strategic, tactical, and other major commands, was struck out.

EFFECTIVE DATE OF 1981 AMENDMENT

Section 10(b) of Pub. L. 97-22 provided that the amendment made by that section is effective Sept. 15, 1981.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-22 effective Jan. 1, 1969, see section 405 of Pub. L. 90-22, set out as a note under section 3034 of this title.

WAIVER OF QUALIFICATIONS FOR APPOINTMENT AS  
SERVICE CHIEF

For provisions giving President temporary authority to waive requirements in subsec. (a)(2) of this section, see section 532(c) of Pub. L. 99-433, formerly set out as a note under section 3033 of this title.

§ 8034. Vice Chief of Staff

(a) There is a Vice Chief of Staff of the Air Force, appointed by the President, by and with the advice and consent of the Senate, from the general officers of the Air Force.

(b) The Vice Chief of Staff of the Air Force, while so serving, has the grade of general without vacating his permanent grade.

(c) The Vice Chief of Staff has such authority and duties with respect to the Department of the Air Force as the Chief of Staff, with the approval of the Secretary of the Air Force, may delegate to or prescribe for him. Orders issued by the Vice Chief of Staff in performing such duties have the same effect as those issued by the Chief of Staff.

(d) When there is a vacancy in the office of Chief of Staff or during the absence or disability of the Chief of Staff—

(1) the Vice Chief of Staff shall perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases; or

(2) if there is a vacancy in the office of the Vice Chief of Staff or the Vice Chief of Staff is absent or disabled, unless the President directs otherwise, the most senior officer of the Air Force in the Air Staff who is not absent or disabled and who is not restricted in performance of duty shall perform the duties of the Chief of Staff until a successor to the Chief of Staff or the Vice Chief of Staff is appointed or until the absence or disability of the Chief of Staff or Vice Chief of Staff ceases, whichever occurs first.

(Aug. 10, 1956, ch. 1041, 70A Stat. 492, §8035; Pub. L. 85-599, §6(d), Aug. 6, 1958, 72 Stat. 519; renumbered §8034 and amended Pub. L. 99-433, title V, §522(d), Oct. 1, 1986, 100 Stat. 1062.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8035(a) .....	10:1813(a) (1st sentence).	Sept. 19, 1951, ch. 407, §203, 65 Stat. 328.
8035(b) .....	10:1813(a) (less 1st sentence).	
8035(c) .....	10:1813(b).	

In subsection (a), the words “of the Air Force” are omitted as surplusage.

In subsection (b), the words “if the Chief of Staff is absent or disabled or if that office is vacant” are substituted for 10:1813(a) (1st 18 words of last sentence). The words “the officer who is highest on the following list and” are inserted for clarity. The words “until his successor is appointed” are omitted as surplusage.

In subsection (c), the words “If the Vice Chief of Staff is absent or disabled or if that office is vacant” are substituted for 10:1813(b) (1st 19 words).

#### PRIOR PROVISIONS

A prior section 8034 was renumbered section 8033 of this title.

#### AMENDMENTS

1986—Pub. L. 99-433, §522(d), renumbered section 8035 of this title as this section.

Pub. L. 99-433, §522(d)(5), substituted “Vice Chief of Staff” for “Vice Chief of Staff; Deputy Chiefs of Staff: succession to duties of Chief of Staff and Vice Chief of Staff” in section catchline.

Subsecs. (a), (b). Pub. L. 99-433, §522(d)(1), substituted subsecs. (a) and (b) for former subsecs. (a) and (b) which read as follows:

“(a) The Vice Chief of Staff and the Deputy Chiefs of Staff shall be general officers detailed to those positions.

“(b) If the Chief of Staff is absent or disabled or if that office is vacant, the officer who is highest on the following list and who is not absent or disabled shall, unless otherwise directed by the President, perform the duties of the Chief of Staff until a successor is appointed or the absence or disability ceases:

“(1) The Vice Chief of Staff.

“(2) The Deputy Chiefs of Staff in order of seniority.”

Subsec. (c). Pub. L. 99-433, §522(d)(2), (3), redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “If the Vice Chief of Staff is absent or disabled or if that office is vacant, the senior Deputy Chief of Staff who is not absent or disabled

shall, unless otherwise directed by the Secretary of the Air Force, perform the duties of the Vice Chief of Staff until a successor is designated or the absence or disability ceases.”

Subsec. (d). Pub. L. 99-433, §522(d)(3), (4), added subsec. (d). Former subsec. (d) was redesignated (c).

1958—Subsec. (d). Pub. L. 85-599 added subsec. (d).

### §8035. Deputy Chiefs of Staff and Assistant Chiefs of Staff

(a) The Deputy Chiefs of Staff and the Assistant Chiefs of Staff shall be general officers detailed to those positions.

(b) The Secretary of the Air Force shall prescribe the number of Deputy Chiefs of Staff and Assistant Chiefs of Staff, for a total of not more than eight positions.

(Added Pub. L. 99-433, title V, §522(e), Oct. 1, 1986, 100 Stat. 1062; Pub. L. 110-181, div. A, title IX, §902(c), Jan. 28, 2008, 122 Stat. 273.)

#### PRIOR PROVISIONS

A prior section 8035 was renumbered section 8034 of this title.

#### AMENDMENTS

2008—Subsec. (b). Pub. L. 110-181 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The number of Deputy Chiefs of Staff and Assistant Chiefs of Staff shall be prescribed by the Secretary, except that—

“(1) there may not be more than five Deputy Chiefs of Staff; and

“(2) there may not be more than three Assistant Chiefs of Staff.”

### §8036. Surgeon General: appointment; grade

There is a Surgeon General of the Air Force who is appointed by the President by and with the advice and consent of the Senate from officers of the Air Force who are in the Air Force medical department. The Surgeon General, while so serving, has the grade of lieutenant general.

(Added Pub. L. 89-288, §5(a), Oct. 22, 1965, 79 Stat. 1050; amended Pub. L. 99-433, title V, §522(g)(2), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 104-106, div. A, title V, §506(c), Feb. 10, 1996, 110 Stat. 296.)

#### AMENDMENTS

1996—Pub. L. 104-106 substituted “in the Air Force medical department” for “designated as medical officers under section 8067(a) of this title”.

1986—Pub. L. 99-433 substituted a semicolon for the comma in section catchline.

### §8037. Judge Advocate General, Deputy Judge Advocate General: appointment; duties

(a) There is a Judge Advocate General in the Air Force, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force. The term of office is four years. The Judge Advocate General, while so serving, has the grade of lieutenant general.

(b) The Judge Advocate General of the Air Force shall be appointed from those officers who at the time of appointment are members of the bar of a Federal court or the highest court of a State, and who have had at least eight years of experience in legal duties as commissioned officers.

(c) The Judge Advocate General, in addition to other duties prescribed by law—

(1) is the legal adviser of the Secretary of the Air Force and of all officers and agencies of the Department of the Air Force;

(2) shall direct the officers of the Air Force designated as judge advocates in the performance of their duties; and

(3) shall receive, revise, and have recorded the proceedings of courts of inquiry and military commissions.

(d)(1) There is a Deputy Judge Advocate General in the Air Force, who is appointed by the President, by and with the advice and consent of the Senate, from officers of the Air Force who have the qualifications prescribed in subsection (b) for the Judge Advocate General. The term of office of the Deputy Judge Advocate General is four years. An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.

(2) When there is a vacancy in the office of the Judge Advocate General, or during the absence or disability of the Judge Advocate General, the Deputy Judge Advocate General shall perform the duties of the Judge Advocate General until a successor is appointed or the absence or disability ceases.

(3) When paragraph (2) cannot be complied with because of the absence or disability of the Deputy Judge Advocate General, the heads of the major divisions of the Office of the Judge Advocate General, in the order directed by the Secretary of the Air Force, shall perform the duties of the Judge Advocate General, unless otherwise directed by the President.

(e) Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force, in selecting an officer for recommendation to the President under subsection (a) for appointment as the Judge Advocate General or under subsection (d) for appointment as the Deputy Judge Advocate General, shall ensure that the officer selected is recommended by a board of officers that, insofar as practicable, is subject to the procedures applicable to selection boards convened under chapter 36 of this title.

(f) No officer or employee of the Department of Defense may interfere with—

(1) the ability of the Judge Advocate General to give independent legal advice to the Secretary of the Air Force or the Chief of Staff of the Air Force; or

(2) the ability of officers of the Air Force who are designated as judge advocates who are assigned or attached to, or performing duty with, military units to give independent legal advice to commanders.

(Aug. 10, 1956, ch. 1041, 70A Stat. 495, §8072; Pub. L. 96-343, §12(a), (b)(1), Sept. 8, 1980, 94 Stat. 1130, 1131; renumbered §8037, Pub. L. 99-433, title V, §522(f), Oct. 1, 1986, 100 Stat. 1063; Pub. L. 103-337, div. A, title V, §504(c), Oct. 5, 1994, 108 Stat. 2751; Pub. L. 104-106, div. A, title V, §507(a), Feb. 10, 1996, 110 Stat. 296; Pub. L. 108-375, div. A, title V, §574(c), Oct. 28, 2004, 118 Stat. 1922; Pub. L. 109-163, div. A, title V, §508(c), title X, §1057(a)(2), Jan. 6, 2006, 119 Stat. 3229, 3440; Pub. L. 110-181, div. A, title V, §543(c), Jan. 28, 2008, 122 Stat. 115.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8072(a) .....	10:1840(a).	Sept. 19, 1951, ch. 407, §310(a), (b) (less 1st sentence), 65 Stat. 332.
8072(b) .....	50:741.	May 5, 1950, ch. 169, §13 (as applicable to Air Force), 64 Stat. 147.
8072(c) .....	10:62, 10:1840(b) (last sentence).	R.S. 1199. June 23, 1874, ch. 458, §2, 18 Stat. 244.

In subsection (a), the words “subject to the provisions of section 741 of Title 50” are omitted as surplusage. The words “but may be sooner terminated, or extended, by the President” are substituted for 10:1840(a) (last 11 words of 1st sentence, and 2d sentence). 10:1840(a) (1st 46 words of 3d sentence) is omitted as surplusage. 10:1840(a) (last sentence) is omitted as executed. The words “by the President, by and with the advice and consent of the Senate”, as they relate to the appointment as a major general in the Regular Air Force, are omitted as covered by section 8284 of this title.

In subsection (b), the words “Hereafter” and “exclusive of the present incumbents” are omitted as surplusage. The words “at least” are substituted for the words “not less than a total”.

In subsection (c), the Act of June 23, 1874, ch. 458, §2 (words before semicolon of 1st sentence, and last sentence), 18 Stat. 244, are not contained in 10:62. They are also omitted from the revised section, since the Air Force does not have organic corps created by statute.

## AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “The Judge Advocate General, while so serving, has the grade of lieutenant general.” for “The Judge Advocate General, while so serving, shall hold a grade not lower than major general.”

2006—Subsec. (a). Pub. L. 109-163, §508(c), substituted “The Judge Advocate General, while so serving, shall hold a grade not lower than major general.” for “An appointee who holds a lower regular grade shall be appointed in the regular grade of major general.”

Subsec. (b). Pub. L. 109-163, §1057(a)(2), struck out “or Territory” after “a State”.

2004—Subsec. (a). Pub. L. 108-375, §574(c)(1), struck out “, but may be sooner terminated or extended by the President” after “four years”.

Subsec. (c). Pub. L. 108-375, §574(c)(2)(A), struck out “shall” after “General” in introductory provisions.

Subsec. (c)(1) to (3). Pub. L. 108-375, §574(c)(2)(B)–(D), added pars. (1) and (2), redesignated former par. (1) as (3), inserted “shall” before “receive”, substituted period for “; and” at end, and struck out former par. (2) which read as follows: “perform such other legal duties as may be directed by the Secretary of the Air Force.”

Subsec. (d)(1). Pub. L. 108-375, §574(c)(3), struck out “, but may be sooner terminated or extended by the President” after “four years”.

Subsec. (f). Pub. L. 108-375, §574(c)(4), added subsec. (f).

1996—Subsec. (d)(1). Pub. L. 104-106 substituted “four years” for “two years” and “An officer appointed as Deputy Judge Advocate General who holds a lower regular grade shall be appointed in the regular grade of major general.” for “An officer appointed as Deputy Judge Advocate General shall be appointed in a regular grade to be determined by the Secretary of Defense.”

1994—Subsec. (e). Pub. L. 103-337 added subsec. (e).

1980—Pub. L. 96-343, §12(b)(1), substituted “General, Deputy Judge Advocate General:” for “General:” in section catchline.

Subsec. (d). Pub. L. 96-343, §12(a), added subsec. (d).

## EFFECTIVE DATE OF 1996 AMENDMENT

Section 507(b) of Pub. L. 104-106 provided that: “The amendments made by subsection (a) [amending this

section] apply to any appointment to the position of Deputy Judge Advocate General of the Air Force that is made after the date of the enactment of this Act [Feb. 10, 1996].”

**§ 8038. Office of Air Force Reserve: appointment of Chief**

(a) There is in the executive part of the Department of the Air Force an Office of Air Force Reserve which is headed by a chief who is the adviser to the Chief of Staff on Air Force Reserve matters.

(b) APPOINTMENT.—(1) The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from general officers of the Air Force Reserve who have had at least 10 years of commissioned service in the Air Force.

(2) The Secretary of Defense may not recommend an officer to the President for appointment as Chief of Air Force Reserve unless the officer—

(A) is recommended by the Secretary of the Air Force; and

(B) is determined by the Chairman of the Joint Chiefs of Staff, in accordance with criteria and as a result of a process established by the Chairman, to have significant joint duty experience.

(3) An officer on active duty for service as the Chief of Air Force Reserve shall be counted for purposes of the grade limitations under sections 525 and 526 of this title.

(4) Until December 31, 2006, the Secretary of Defense may waive subparagraph (B) of paragraph (2) with respect to the appointment of an officer as Chief of Air Force Reserve if the Secretary of the Air Force requests the waiver and, in the judgment of the Secretary of Defense—

(A) the officer is qualified for service in the position; and

(B) the waiver is necessary for the good of the service.

Any such waiver shall be made on a case-by-case basis.

(c) TERM; REAPPOINTMENT; GRADE.—(1) The Chief of Air Force Reserve is appointed for a period of four years, but may be removed for cause at any time. An officer serving as Chief of Air Force Reserve may be reappointed for one additional four-year period.

(2) The Chief of Air Force Reserve, while so serving, holds the grade of lieutenant general.

(d) BUDGET.—The Chief of Air Force Reserve is the official within the executive part of the Department of the Air Force who, subject to the authority, direction, and control of the Secretary of the Air Force and the Chief of Staff, is responsible for preparation, justification, and execution of the personnel, operation and maintenance, and construction budgets for the Air Force Reserve. As such, the Chief of Air Force Reserve is the director and functional manager of appropriations made for the Air Force Reserve in those areas.

(e) FULL TIME SUPPORT PROGRAM.—The Chief of Air Force Reserve manages, with respect to the Air Force Reserve, the personnel program of the Department of Defense known as the Full Time Support Program.

(f) ANNUAL REPORT.—(1) The Chief of Air Force Reserve shall submit to the Secretary of Defense, through the Secretary of the Air Force, an annual report on the state of the Air Force Reserve and the ability of the Air Force Reserve to meet its missions. The report shall be prepared in conjunction with the Chief of Staff of the Air Force and may be submitted in classified and unclassified versions.

(2) The Secretary of Defense shall transmit the annual report of the Chief of Air Force Reserve under paragraph (1) to Congress, together with such comments on the report as the Secretary considers appropriate. The report shall be transmitted at the same time each year that the annual report of the Secretary under section 113 of this title is submitted to Congress.

(Added Pub. L. 90-168, §2(19), Dec. 1, 1967, 81 Stat. 524, §8019; renumbered §8038 and amended Pub. L. 99-433, title V, §§521(a)(2), 522(g)(3), Oct. 1, 1986, 100 Stat. 1055, 1063; Pub. L. 103-337, div. A, title XVI, §1674(c)(1), Oct. 5, 1994, 108 Stat. 3016; Pub. L. 104-201, div. A, title XII, §1212(d), Sept. 23, 1996, 110 Stat. 2693; Pub. L. 105-85, div. A, title X, §1073(a)(65), Nov. 18, 1997, 111 Stat. 1904; Pub. L. 106-65, div. A, title V, §554(e), Oct. 5, 1999, 113 Stat. 617; Pub. L. 106-398, §1 [[div. A], title V, §507(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-104; Pub. L. 107-314, div. A, title V, §501(a), Dec. 2, 2002, 116 Stat. 2529; Pub. L. 108-375, div. A, title V, §536(a), Oct. 28, 2004, 118 Stat. 1901.)

AMENDMENTS

2004—Subsec. (b)(4). Pub. L. 108-375 substituted “December 31, 2006” for “December 31, 2004”.

2002—Subsec. (b)(4). Pub. L. 107-314 substituted “December 31, 2004” for “October 1, 2003”.

2000—Subsec. (b). Pub. L. 106-398 amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The President, by and with the advice and consent of the Senate, shall appoint the Chief of Air Force Reserve from officers of the Air Force Reserve not on active duty, or on active duty under section 10211 of this title, who—

“(1) have had at least 10 years of commissioned service in the Air Force;

“(2) are in grade of brigadier general and above; and

“(3) have been recommended by the Secretary of the Air Force.”

Subsec. (c). Pub. L. 106-398 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The Chief of Air Force Reserve holds office for four years, but may be removed for cause at any time. He is eligible to succeed himself. If he holds a lower reserve grade, he shall be appointed in the grade of major general for service in the Air Force Reserve. However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

1999—Subsec. (c). Pub. L. 106-65 inserted at end “However, if selected in accordance with section 12505 of this title, he may be appointed in the grade of lieutenant general.”

1997—Subsec. (e). Pub. L. 105-85 struck out “(1)” before “The Chief of Air Force”.

1996—Subsecs. (d) to (f). Pub. L. 104-201 added subsecs. (d) to (f).

1994—Subsec. (b). Pub. L. 103-337 substituted “10211” for “265”.

1986—Subsec. (a). Pub. L. 99-433, §522(g)(3), struck out the comma after “Chief of Staff”.

EFFECTIVE DATE OF 1999 AMENDMENT; APPLICABILITY TO INCUMBENTS

Amendment by Pub. L. 106-65 effective 60 days after Oct. 5, 1999, with special provision for an officer who is

a covered position incumbent who is appointed under that amendment to the grade of lieutenant general or vice admiral, see section 554(g), (h) of Pub. L. 106-65, set out as a note under section 3038 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### EFFECTIVE DATE

Section effective on first day of first calendar month following date of enactment of Pub. L. 90-168, which was approved Dec. 1, 1967, see section 7 of Pub. L. 90-168, set out as an Effective Date of 1967 Amendment note under section 138 of this title.

### CHAPTER 807—THE AIR FORCE

Sec.	
8061.	Regulations.
8062.	Policy; composition; aircraft authorization.
[8066.	Repealed.]
8067.	Designation: officers to perform certain professional functions.
8069.	Air Force nurses: Chief and assistant chief; appointment; grade.
[8071.	Repealed.]
[8072.	Renumbered.]
8074.	Commands: territorial organization.
8075.	Regular Air Force: composition.
[8076 to 8080.	Repealed.]
8081.	Assistant Surgeon General for Dental Services.
8084.	Officer career field for space.

#### AMENDMENTS

2001—Pub. L. 107-107, div. A, title IX, §912(b), Dec. 28, 2001, 115 Stat. 1196, added item 8084.

1997—Pub. L. 105-85, div. A, title X, §1073(a)(66), Nov. 18, 1997, 111 Stat. 1904, substituted “nurses” for “Nurse Corps” in item 8069.

1996—Pub. L. 104-201, div. A, title V, §502(c)(2), Sept. 23, 1996, 110 Stat. 2511, added item 8069.

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(1), Oct. 5, 1994, 108 Stat. 3016, struck out items 8076 “Air Force Reserve: composition”, 8077 “Air National Guard of United States: composition”, 8078 “Air National Guard: when a component of Air Force”, 8079 “Air National Guard of United States: status when not in Federal service”, and 8080 “Air National Guard of the United States: authority of officers with respect to Federal status”.

1986—Pub. L. 99-433, title V, §522(g)(4), Oct. 1, 1986, 100 Stat. 1063, struck out item 8072 “Judge Advocate General, Deputy Judge Advocate General: appointment; duties”. See section 8037 of this title.

1980—Pub. L. 96-513, title V, §504(3), Dec. 12, 1980, 94 Stat. 2915, struck out item 8066 “Generals and lieutenant generals”.

Pub. L. 96-343, §12(b)(2), Sept. 8, 1980, 94 Stat. 1131, substituted “General, Deputy Judge Advocate General:” for “General:” in item 8072.

1978—Pub. L. 95-485, title VIII, §805(c)(2), Oct. 20, 1978, 92 Stat. 1622, added item 8081.

1967—Pub. L. 90-130, §1(25), Nov. 8, 1967, 81 Stat. 382, struck out item 8071 “Temporary grade of colonel in the Air Force: appointment of women.”

1960—Pub. L. 86-603, §1(3)(B), July 7, 1960, 74 Stat. 358, added item 8080.

#### § 8061. Regulations

The President may prescribe regulations for the government of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 493.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8061 .....	10:16.	July 15, 1870, ch. 294, §20, 16 Stat. 319; Mar. 1, 1875, ch. 115, 18 Stat. 337.

The word “prescribe” is substituted for the words “make and publish”. 10:16 (last 35 words) is omitted as surplusage.

#### § 8062. Policy; composition; aircraft authorization

(a) It is the intent of Congress to provide an Air Force that is capable, in conjunction with the other armed forces, of—

(1) preserving the peace and security, and providing for the defense, of the United States, the Commonwealths and possessions, and any areas occupied by the United States;

(2) supporting the national policies;

(3) implementing the national objectives; and

(4) overcoming any nations responsible for aggressive acts that imperil the peace and security of the United States.

(b) There is a United States Air Force within the Department of the Air Force.

(c) In general, the Air Force includes aviation forces both combat and service not otherwise assigned. It shall be organized, trained, and equipped primarily for prompt and sustained offensive and defensive air operations. It is responsible for the preparation of the air forces necessary for the effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Air Force to meet the needs of war.

(d) The Air Force consists of—

(1) the Regular Air Force, the Air National Guard of the United States, the Air National Guard while in the service of the United States, and the Air Force Reserve;

(2) all persons appointed or enlisted in, or conscripted into, the Air Force without component; and

(3) all Air Force units and other Air Force organizations, with their installations and supporting and auxiliary combat, training, administrative, and logistic elements; and all members of the Air Force, including those not assigned to units; necessary to form the basis for a complete and immediate mobilization for the national defense in the event of a national emergency.

(e) Subject to subsection (f) of this section, chapter 831 of this title, and the strength authorized by law pursuant to section 115 of this title, the authorized strength of the Air Force is 70 Regular Air Force groups and such separate Regular Air Force squadrons, reserve groups, and supporting and auxiliary regular and reserve units as required.

(f) There are authorized for the Air Force 24,000 serviceable aircraft or 225,000 airframe tons of serviceable aircraft, whichever the Secretary of the Air Force considers appropriate to carry out this section. This subsection does not apply to guided missiles.

(g)(1) Effective October 1, 2009, the Secretary of the Air Force shall maintain a total aircraft inventory of strategic airlift aircraft of not less than 316 aircraft.

(2) In this subsection:

(A) The term “strategic airlift aircraft” means an aircraft—

(i) that has a cargo capacity of at least 150,000 pounds; and

(ii) that is capable of transporting outsized cargo an unrefueled range of at least 2,400 nautical miles.

(B) The term “outsized cargo” means any single item of equipment that exceeds 1,090 inches in length, 117 inches in width, or 105 inches in height.

(Aug. 10, 1956, ch. 1041, 70A Stat. 493; Pub. L. 96-513, title V, § 504(4), Dec. 12, 1980, 94 Stat. 2916; Pub. L. 99-433, title I, § 110(g)(10), Oct. 1, 1986, 100 Stat. 1004; Pub. L. 100-26, § 7(g)(3), Apr. 21, 1987, 101 Stat. 282; Pub. L. 100-180, div. A, title XIII, § 1314(b)(9), Dec. 4, 1987, 101 Stat. 1176; Pub. L. 109-163, div. A, title X, § 1057(a)(6), Jan. 6, 2006, 119 Stat. 3441; Pub. L. 109-364, div. A, title I, § 132, Oct. 17, 2006, 120 Stat. 2112; Pub. L. 111-84, div. A, title I, § 139, Oct. 28, 2009, 123 Stat. 2223.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8062(a) .....	10:20.	July 26, 1947, ch. 343,
8062(b) .....	5:626c(a).	§ 208(a), (f), 61 Stat. 503;
8062(c) .....	5:626c(f).	Aug. 10, 1949, ch. 412,
8062(d) .....	10:20r(a).	§ 12(d), 63 Stat. 591.
	10:1831.	
	50:1091.	July 10, 1950, ch. 454, §§ 2,
8062(e) .....	10:20r(b).	201, 203, 64 Stat. 321,
8062(f) .....	10:20t.	323, 324.
		Sept. 19, 1951, ch. 407,
		§ 301, 65 Stat. 329.
		July 9, 1952, ch. 608, § 601,
		66 Stat. 501.

In subsection (a), 10:20 (1st 19 words) is omitted as surplusage. The words “any areas occupied by the United States” are substituted for the words “occupied areas wherever located”.

Subsection (b) is substituted for 5:626c(a) (1st sentence). 5:626c(a) (last sentence) is omitted as executed.

In subsection (d), the words “consists of” are substituted for the word “includes”.

In subsection (d)(1), 10:20r(a) is omitted as superseded by 10:1831. The words “all persons serving in the Air Force under call or \* \* \* under any provision of law, including members of the Air National Guard of the several States, Territories, and the District of Columbia when in the service of the United States pursuant to call as provided by law” are omitted as covered by the words “the Air National Guard while in the service of the United States”. 50:1091 (last sentence) is omitted, since the components listed include their members.

In subsection (d)(2), the words “or inducted” are omitted as covered by the word “conscripted”.

In subsection (e), the words “Effective on July 10, 1950” are omitted as executed. The words “the limitations imposed by” are omitted as surplusage. The words “not to exceed” are omitted as surplusage, since the revised section states the authorized number and any number over that would not be authorized. The words “and chapter 31 of this title” are substituted for the reference to 10:20s to make it clear that the authority for a 70 group Air Force is subject to all provisions which prescribe the authorized personnel strength of the Air Force.

In subsection (f), the word “considers” is substituted for the words “may determine is more”. The words “aggregate” and “amount” are omitted as surplusage. The words “carry out this section” are substituted for the

words “fulfill the requirements of the Air Force of the United States for aircraft necessary to carry out the purposes of this chapter, section 481 of this title, and sections 235, 235a, 628, and 628a of title 5”, since the purposes to which the reference is made are stated in the revised section. The last sentence is substituted for 10:20t (proviso).

#### AMENDMENTS

2009—Subsec. (g)(1). Pub. L. 111-84 substituted “2009” for “2008” and “316” for “299”.

2006—Subsec. (a)(1). Pub. L. 109-163 substituted “Commonwealths and possessions” for “Territories, Commonwealths, and possessions”.

Subsec. (g). Pub. L. 109-364 added subsec. (g).

1987—Subsec. (e). Pub. L. 100-26 and Pub. L. 100-180 amended subsec. (e) identically, substituting “section 115” for “section 114”.

1986—Subsec. (e). Pub. L. 99-433 substituted “section 114” for “section 138”.

1980—Subsec. (e). Pub. L. 96-513 substituted “, chapter 831 of this title, and the strength authorized by law pursuant to section 138” for “and chapter 831”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### REQUIREMENTS FOR TRANSFERRING AIRCRAFT WITHIN THE AIR FORCE INVENTORY

Pub. L. 111-383, div. A, title III, § 345, Jan. 7, 2011, 124 Stat. 4191, provided that:

“(a) REQUIREMENTS.—In proposing the transfer of ownership of any aircraft from ownership by a reserve component of the Air Force to ownership by a regular component of the Air Force, including such a transfer to be made on a temporary basis, the Secretary of the Air Force shall ensure that a written agreement regarding such transfer of ownership has been entered into between the Director of the Air National Guard, the Commander of the Air Force Reserve Command, and the Chief of Staff of the Air Force. Any such agreement shall specify each of the following:

“(1) The number of and type of aircraft to be transferred.

“(2) In the case of any aircraft transferred on a temporary basis—

“(A) the schedule under which the aircraft will be returned to the ownership of the reserve component;

“(B) a description of the condition, including the estimated remaining service life, in which any such aircraft will be returned to the reserve component; and

“(C) a description of the allocation of resources, including the designation of responsibility for funding aircraft operation and maintenance and a detailed description of budgetary responsibilities, for the period for which the ownership of the aircraft is transferred to the regular component.

“(3) The designation of responsibility for funding depot maintenance requirements or modifications to the aircraft generated as a result of the transfer, including any such requirements and modifications required during the period for which the ownership of the aircraft is transferred to the regular component.

“(4) Any location from which the aircraft will be transferred.

“(5) The effects on manpower that such a transfer may have at any facility identified under paragraph (4).

“(6) The effects on the skills and proficiencies of the reserve component personnel affected by the transfer.

“(7) Any other items the Director of the Air National Guard or the Commander of the Air Force Reserve Command determines are necessary in order to execute such a transfer.

“(b) SUBMITTAL OF AGREEMENTS TO CONGRESS.—The Secretary of the Air Force may not take any action to transfer the ownership of an aircraft as described in subsection (a) until the Secretary submits to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] an agreement entered into pursuant to such subsection regarding the transfer of ownership of the aircraft.”

CONSOLIDATION OF AIR FORCE AND AIR NATIONAL  
GUARD AIRCRAFT MAINTENANCE

Pub. L. 110-417, [div. A], title III, § 324, Oct. 14, 2008, 122 Stat. 4416, as amended by Pub. L. 111-383, div. A, title X, § 1075(e)(4), Jan. 7, 2011, 124 Stat. 4374, provided that:

“(a) RESTRICTION ON IMPLEMENTATION OF CONSOLIDATION.—The Secretary of the Air Force shall not implement the consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard or the consolidation of aircraft repair facilities and personnel of the Air National Guard with aircraft repair facilities and personnel of the active Air Force unless and until the Secretary of the Air Force submits the reports required by (b) and (c), the Chief of the National Guard Bureau submits the assessment required by subsection (d), and the Secretary of Defense submits the certification required by subsection (e).

“(b) REPORT ON CRITERIA.—Not later than 30 days after the date of the enactment of this Act [Oct. 14, 2008], the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report stating all the criteria being used by the Department of the Air Force and the Rand Corporation to evaluate the feasibility of consolidating Air Force maintenance functions into organizations that would integrate active, Guard, and Reserve components into a total-force approach. The report shall include the assumptions that were provided to or developed by the Rand Corporation for its study of the feasibility of the consolidation proposal.

“(c) REPORT ON FEASIBILITY STUDY.—At least 90 days before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard, the Secretary of the Air Force shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the findings of the Rand Corporation feasibility study and the Rand Corporation’s recommendations, the Air Force’s assessment of the findings and recommendations, any plans developed for implementation of the consolidation, and a delineation of all infrastructure costs anticipated as a result of implementation.

“(d) ASSESSMENT BY CHIEF OF THE NATIONAL GUARD BUREAU.—Not later than 30 days after the date on which the report required by subsection (c) is submitted, the Chief of the National Guard Bureau shall submit to the Committees on Armed Services of the Senate and House of Representatives a written assessment of—

“(1) the proposed actions to consolidate aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force; and

“(2) the information included in the report required by subsection (c).

“(e) CERTIFICATION BY THE SECRETARY OF DEFENSE.—After the Secretary of the Air Force submits the reports required by subsections (b) and (c), and before any consolidation of aircraft repair facilities and personnel of the active Air Force with aircraft repair facilities and personnel of the Air National Guard by the Secretary of the Air Force, the Secretary of Defense shall certify that such consolidation is in the national interest and will not adversely affect recruitment, retention, or execution of the Air National Guard mission in the individual States.”

**[§ 8066. Repealed. Pub. L. 96-513, title II, § 201, Dec. 12, 1980, 94 Stat. 2878]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 494; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(36), 72 Stat. 1566, authorized President, by and with consent of the Senate, to make temporary appointments in grades of general and lieutenant general from officers of Air Force on active duty in any grade above brigadier general and specified the number of positions in each such grade. See section 601 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 8067. Designation: officers to perform certain professional functions**

(a) Medical functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary of the Air Force and who are designated as medical officers.

(b) Dental functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary and who are designated as dental officers.

(c) Veterinary functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary, and who are designated as veterinary officers.

(d) Medical service functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary, and who are designated as medical service officers.

(e) Nursing functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary and who are designated as Air Force nurses.

(f) Biomedical science functions, including physician assistant functions and chiropractic functions, in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary, and who are designated as biomedical science officers.

(g) Judge advocate functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary, and who are designated as judge advocates.

(h) Chaplain functions in the Air Force shall be performed by commissioned officers of the Air Force who are qualified under regulations prescribed by the Secretary and who are designated as chaplains.

(i) Other functions in the Air Force requiring special training or experience shall be performed by members of the Air Force who are qualified under regulations prescribed by the Secretary, and who are designated as being in named categories.

(Aug. 10, 1956, ch. 1041, 70A Stat. 494; Pub. L. 85-861, § 1(156), Sept. 2, 1958, 72 Stat. 1513; Pub. L. 96-513, title V, § 504(5), Dec. 12, 1980, 94 Stat. 2916; Pub. L. 97-86, title IV, § 403, Dec. 1, 1981, 95 Stat. 1105; Pub. L. 102-484, div. A, title V, § 505(c), Oct. 23, 1992, 106 Stat. 2404.)



HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8067(a) .....	10:1837(a) (as applicable to medical officers).	Sept. 19, 1951, ch. 407, § 307 (less (d)), 65 Stat. 330.
8067(b) .....	10:1837(a) (as applicable to dental officers).	June 24, 1952, ch. 457 (less 1st and last provisos), 66 Stat. 156.
8067(c) .....	10:1837(a) (as applicable to veterinary officers).	
8067(d) .....	10:1837(a) (as applicable to medical service officers).	
8067(e) .....	10:1837(a) (as applicable to nurses).	
8067(f) .....	10:1837(a) (as applicable to women medical specialists).	
8067(g) .....	10:1837(a) (as applicable to judge advocates).	
8067(h) .....	10:1837(a) (as applicable to chaplains).	
8067(i) .....	10:1837(a) (less categories covered by subsections (a)–(h)).	
	10:1837(b), (c).	
	10:81–2 (less 1st and last provisos).	

The references in clauses (4), (6), and (7) of 10:1837(a) are omitted, since the laws to which reference is made deal with qualifications for appointment as commissioned officers and do not specify professional qualifications prerequisite to designation to duties requiring special training or experience. The reference in clause (8) is omitted as executed.

10:1837(b) and (c) are omitted, since, except in the case of a reference to a law not presently in effect, their substance is covered by including the laws referred to in various revised sections of this title (see the distribution tables). 10:81–2 (less 1st and last provisos) is omitted as unnecessary.

In subsections (a)–(d), (g), and (h), the words “commissioned officers” are substituted for the word “members”, in 10:1837(a), since, under the laws to which reference is made, only commissioned officers may be designated to perform these functions.

In subsections (e) and (f), the words “female commissioned officers” are substituted for the word “members”, in 10:1837(a), since, under the laws to which reference is made, only female commissioned officers may be designated to perform these functions.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8067(e), (f)	10 App.:166b–3. 10 App.:1837.	Aug. 9, 1955, ch. 654, §§ 1, 3(b), 69 Stat. 579.

The section is amended to reflect the authority contained in the source statute to appoint male reserve officers with a view to designation as Air Force nurses or medical specialists.

AMENDMENTS

1992—Subsec. (f). Pub. L. 102–484 inserted “and chiropractic functions” after “physician assistant functions”.

1981—Subsec. (f). Pub. L. 97–86 inserted reference to physician assistant functions.

1980—Subsec. (a). Pub. L. 96–513, § 504(5)(A), struck out “in conformity with section 8289 or 8294 of this title,” after “Secretary of the Air Force”.

Subsec. (b). Pub. L. 96–513, § 504(5)(B), struck out “in conformity with section 8294 of this title,” after “prescribed by the Secretary”.

Subsec. (e). Pub. L. 96–513, § 504(5)(C), struck out “in conformity with section 8291 of this title,” after “prescribed by the Secretary”.

Subsec. (f). Pub. L. 96–513, § 504(5)(D), substituted “Biomedical science functions” for “Medical specialist functions” and “biomedical science officers” for “medical specialists”.

Subsec. (h). Pub. L. 96–513, § 504(5)(E), struck out “in conformity with section 8293 of this title,” after “prescribed by the Secretary”.

1958—Subsec. (e). Pub. L. 85–861 struck out “female” before “commissioned officers”.

Subsec. (f). Pub. L. 85–861 struck out “female” before “commissioned officers”, and “women” before “medical specialists”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96–513 effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as a note under section 101 of this title.

**§ 8069. Air Force nurses: Chief and assistant chief; appointment; grade**

(a) POSITIONS OF CHIEF AND ASSISTANT CHIEF.—There are a Chief and assistant chief of the Air Force Nurse Corps.

(b) CHIEF.—The Secretary of the Air Force shall appoint the Chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel and who are recommended by the Surgeon General. An appointee who holds a lower regular grade shall be appointed in the regular grade of major general. The Chief serves during the pleasure of the Secretary.

(c) ASSISTANT CHIEF.—The Surgeon General shall appoint the assistant chief from the officers of the Regular Air Force designated as Air Force nurses whose regular grade is above lieutenant colonel.

(Added Pub. L. 104–201, div. A, title V, § 502(b), Sept. 23, 1996, 110 Stat. 2511; amended Pub. L. 105–261, div. A, title V, § 505, Oct. 17, 1998, 112 Stat. 2004; Pub. L. 107–314, div. A, title V, § 504(a)(3), Dec. 2, 2002, 116 Stat. 2531.)

AMENDMENTS

2002—Subsec. (b). Pub. L. 107–314 substituted “major general” for “brigadier general” in second sentence.

1998—Subsec. (b). Pub. L. 105–261 struck out “, but not for more than three years, and may not be reappointed to the same position” after “pleasure of the Secretary”.

**[§ 8071. Repealed. Pub. L. 90–130, § 1(25), Nov. 8, 1967, 81 Stat. 382]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 495, provided for appointment of a female Air Force officer in temporary grade of colonel.

**[§ 8072. Renumbered § 8037]**

**§ 8074. Commands: territorial organization**

(a) Except as otherwise prescribed by law or by the Secretary of Defense, the Air Force shall be divided into such organizations as the Secretary of the Air Force may prescribe.

(b) For Air Force purposes, the United States, its possessions, and other places in which the Air Force is stationed or is operating, may be divided into such areas as directed by the Secretary. Officers of the Air Force may be assigned to command Air Force activities, installations, and personnel in those areas. In the discharge of the Air Force’s functions or other functions authorized by law, officers so assigned have the duties and powers prescribed by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 495; Pub. L. 85–599, § 4(f), Aug. 6, 1958, 72 Stat. 517; Pub. L.

89–37, title III, §306(a), June 11, 1965, 79 Stat. 129; Pub. L. 99–433, title V, §523, Oct. 1, 1986, 100 Stat. 1063; Pub. L. 107–107, div. A, title IX, §931(b), Dec. 28, 2001, 115 Stat. 1200; Pub. L. 109–163, div. A, title X, §1057(a)(2), Jan. 6, 2006, 119 Stat. 3440.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8074(a) .....	10:1838(a)(1).	Sept. 19, 1951, ch. 407, §308, 309, 65 Stat. 332.
8074(b) .....	10:1838(a)(2).	
8074(c) .....	10:1838(b).	
8074(d) .....	10:1839.	

In subsection (b), the words “from time to time” are omitted as surplusage.

In subsection (d), the words “have the duties and powers” are substituted for the words “shall perform such duties and exercise such powers”. The words “of America”, “elements of”, “other provisions of”, and “so assigned” are omitted as surplusage.

## AMENDMENTS

2006—Subsec. (b). Pub. L. 109–163 struck out “its Territories,” after “the United States.”.

2001—Subsec. (c). Pub. L. 107–107 struck out subsec. (c) which read as follows: “The Military Air Transport Service is redesignated as the Military Airlift Command.”

1986—Subsec. (a). Pub. L. 99–433 substituted “Except as otherwise prescribed by law or by the Secretary of Defense, the” for “The”.

1965—Subsec. (c). Pub. L. 89–37 added subsec. (c).

1958—Subsec. (a). Pub. L. 85–599, §4(f)(1), substituted provisions permitting the Air Force to be divided into such organizations as the Secretary of the Air Force may prescribe for provisions which established an air-defense, a strategic, and a tactical command in the Air Force.

Subsecs. (b) to (d). Pub. L. 85–599, §4(f)(2), redesignated subsec. (d) as (b), and repealed former subsecs. (b) and (c) which permitted the Secretary of the Air Force to establish additional commands and organizations in the interest of efficiency and economy of operation, and, for the duration of any war or national emergency, to establish new major commands or to discontinue or consolidate major commands.

## EFFECTIVE DATE OF 1965 AMENDMENT

Section 306(b) of Pub. L. 89–37 provided that: “The amendment made by subsection (a) of this section [adding subsec. (c)] shall become effective January 1, 1966.”

## § 8075. Regular Air Force: composition

(a) The Regular Air Force is the component of the Air Force that consists of persons whose continuous service on active duty in both peace and war is contemplated by law, and of retired members of the Regular Air Force.

(b) The Regular Air Force includes—

- (1) the officers and enlisted members of the Regular Air Force;
- (2) the professors, registrar, and cadets at the United States Air Force Academy; and
- (3) the retired officers and enlisted members of the Regular Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 496; Pub. L. 85–600, §1(13), Aug. 6, 1958, 72 Stat. 523.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8075(a) .....	10:1832(a).	Sept. 19, 1951, ch. 407, §302, 65 Stat. 329; Apr. 1, 1954, ch. 127, §7, 68 Stat. 48.
8075(b) .....	10:1832 (less (a)).	

In subsection (b), the words “holding appointments or enlisted in the Regular Air Force as now or hereafter provided by law”, “and such other persons as are now or may hereafter be specified by law”, and “commissioned \* \* \* warrant officers” are omitted as surplusage, since the revised section lists all persons in the Regular Air Force. 10:1832(b) (last sentence) is omitted as executed.

## AMENDMENTS

1958—Subsec. (b)(2). Pub. L. 85–600 included the registrar of the Air Force Academy.

**[[§ 8076 to 8080. Repealed. Pub. L. 103–337, div. A, title XVI, § 1661(a)(3)(A), Oct. 5, 1994, 108 Stat. 2980]**

Section 8076, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, related to composition of Air Force Reserve. See section 10110 of this title.

Section 8077, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, related to composition of Air National Guard of United States. See section 10111 of this title.

Section 8078, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, provided that Air National Guard is component of Air Force when in service of United States. See section 10112 of this title.

Section 8079, act Aug. 10, 1956, ch. 1041, 70A Stat. 496, related to status of Air National Guard of United States when not in Federal service. See section 10113 of this title.

Section 8080, added Pub. L. 86–603, §1(3)(A), July 7, 1960, 74 Stat. 357, related to authority of officers of Air National Guard of United States with respect to Federal status. See section 10215 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

## § 8081. Assistant Surgeon General for Dental Services

There is an Assistant Surgeon General for Dental Services in the Air Force who is appointed by the Secretary of the Air Force upon the recommendation of the Surgeon General from officers of the Air Force above the grade of lieutenant colonel who are designated as dental officers under section 8067(b) of this title. An appointee who holds a lower regular grade shall be appointed in the regular grade of major general. The Assistant Surgeon General for Dental Services serves at the pleasure of the Secretary.

(Added Pub. L. 95–485, title VIII, §805(c)(1), Oct. 20, 1978, 92 Stat. 1622; amended Pub. L. 105–261, div. A, title V, §506, Oct. 17, 1998, 112 Stat. 2004; Pub. L. 109–364, div. A, title V, §504(a), Oct. 17, 2006, 120 Stat. 2179.)

## AMENDMENTS

2006—Pub. L. 109–364 substituted “major general” for “brigadier general”.

1998—Pub. L. 105–261 substituted “lieutenant colonel” for “major” and “An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general. The Assistant Surgeon General for Dental Services serves at the pleasure of the Secretary.” for “The term of office of the Assistant Surgeon General for Dental Services is four years but may be increased or decreased by the Secretary of the Air Force.”

## EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109–364, div. A, title V, §504(b), Oct. 17, 2006, 120 Stat. 2179, provided that: “The amendment made by

subsection (a) [amending this section] shall take effect on the date of the occurrence of the next vacancy in the position of Assistant Surgeon General for Dental Services in the Air Force that occurs after the date of the enactment of this Act [Oct. 17, 2006] or, if earlier, on the date of the appointment to the grade of major general of the officer who is the incumbent in that position on the date of the enactment of the Act.”

#### § 8084. Officer career field for space

The Secretary of the Air Force shall establish and implement policies and procedures to develop a career field for officers in the Air Force with technical competence in space-related matters to have the capability to—

- (1) develop space doctrine and concepts of space operations;
- (2) develop space systems; and
- (3) operate space systems.

(Added Pub. L. 107–107, div. A, title IX, §912(a), Dec. 28, 2001, 115 Stat. 1196; amended Pub. L. 108–375, div. A, title X, §1084(d)(32), Oct. 28, 2004, 118 Stat. 2063.)

#### AMENDMENTS

2004—Pub. L. 108–375 substituted “capability” for “capabilty”.

### PART II—PERSONNEL

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831.	Strength .....	8201
833.	Enlistments .....	8251
835.	Appointments in the Regular Air Force [837. Repealed.]	8281
839.	Temporary Appointments .....	8441
841.	Active Duty .....	8491
843.	Special Appointments, Assignments, Details, and Duties .....	8531
845.	Rank and Command .....	8571
[847. Repealed.]		
849.	Miscellaneous Prohibitions and Penalties .....	8631
[851. Repealed.]		
853.	Miscellaneous Rights and Benefits .....	8681
855.	Hospitalization .....	8721
857.	Decorations and Awards .....	8741
[859. Repealed.]		
[860. Repealed.]		
861.	Separation for Various Reasons .....	8811
[863. Repealed.]		
[865. Repealed.]		
867.	Retirement for Length of Service .....	8911
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871.	Computation of Retired Pay .....	8991
873.	Civilian Employees .....	9021
875.	Miscellaneous Investigation Requirements and Other Duties .....	9061

#### AMENDMENTS

2003—Pub. L. 108–136, div. A, title V, §576(c)(2), Nov. 24, 2003, 117 Stat. 1488, added item for chapter 875.

1994—Pub. L. 103–337, div. A, title XVI, §1674(a), Oct. 5, 1994, 108 Stat. 3016, struck out items for chapters 837 “Appointments as Reserve Officers” and 863 “Separation or Transfer to Retired Reserve”.

1980—Pub. L. 96–513, title V, §504(1), Dec. 12, 1980, 94 Stat. 2915, struck out items for chapters 859 “Separation from Regular Air Force for Substandard Performance of Duty”, 860 “Separation from Regular Air Force for Moral or Professional Dereliction or in Interests of National Security”, and 865 “Retirement for Age”.

1968—Pub. L. 90–377, §5, July 5, 1968, 82 Stat. 288, struck out item for chapter 851 “United States Disciplinary Barracks”.

Pub. L. 90–235, §8(6), Jan. 2, 1968, 81 Stat. 764, struck out item for chapter 847 “The Uniform”.

1960—Pub. L. 86–616, §§7(b), 8(b), July 12, 1960, 74 Stat. 393, 395, substituted “Substandard Performance of Duty” for “Failure to Meet Standards” in item for chapter 859 and added item for chapter 860.

1958—Pub. L. 85–861, §1(193), Sept. 2, 1958, 72 Stat. 1538, substituted “8841” for “[No present sections]” in item for chapter 863.

### CHAPTER 831—STRENGTH

Sec.

[8201 to 8209. Repealed.]

8210. Regular Air Force: strength in grade; general officers.

[8211 to 8230. Repealed.]

#### AMENDMENTS

1994—Pub. L. 103–337, div. A, title XVI, §1674(b)(2), Oct. 5, 1994, 108 Stat. 3016, struck out items 8212 “Air Reserve; Air National Guard of the United States: strength in grade; temporary increases”, 8217 “Reserves: commissioned officers in an active status”, 8218 “Reserves: strength in grade; general officers in an active status”, 8219 “Reserves: strength in grade; commissioned officers in grades below brigadier general in an active status”, 8221 “Air Force Reserve”, 8222 “Air Force Reserve, exclusive of members on active duty”, 8223 “Air Force Reserve: warrant officers”, 8224 “Air National Guard of United States”, and 8225 “Air National Guard and Air National Guard of United States, exclusive of members on active duty”.

1990—Pub. L. 101–510, div. A, title IV, §403(b)(3)(B), Nov. 5, 1990, 104 Stat. 1545, struck out item 8202 “Air Force: strength in grade; general officers”.

1985—Pub. L. 99–145, title XIII, §1303(a)(26), Nov. 8, 1985, 99 Stat. 740, inserted “; general officers” after “grade” in item 8202.

1980—Pub. L. 96–513, title V, §504(6), Dec. 12, 1980, 94 Stat. 2916, struck out item 8201 “Air Force: members on active duty”, substituted “strength in grade” for “officers in certain commissioned grades” in item 8202, struck out items 8203 “Regular Air Force: members on active duty”, 8204 “Regular Air Force: commissioned officers on active list”, 8205 “Regular Air Force: commissioned officers on active list, exclusive of certain categories”, 8206 “Regular Air Force: commissioned officers on active list; Air Force nurses”, 8207 “Regular Air Force: commissioned officers on active list; medical specialists”, 8208 “Regular Air Force: commissioned officers on active list; female commissioned officers, other than those designated under section 8067 of this title to perform professional functions”, 8209 “Regular Air Force: commissioned officers on active list; special categories”, and 8211 “Regular Air Force: strength in grade; promotion-list officers”, substituted “Air Reserve; Air National Guard of the United States: strength in grade; temporary increases” for “Regular Air Force; Air Force Reserve; Air National Guard of the United States: strength in grade; temporary increases” in item 8212, and struck out items 8213 “Regular Air Force: warrant officers on active list”, 8214 “Regular Air Force: enlisted members on active duty”, 8215 “Regular Air Force: female warrant officers on active list”, and 8230 “Personnel detailed outside Department of Defense.”

1967—Pub. L. 90–130, §1(26)(F), Nov. 8, 1967, 81 Stat. 382, struck out “; female enlisted members on active duty” after “female warrant officers on active list” in item 8215.

1958—Pub. L. 85–861, §1(165), Sept. 2, 1958, 72 Stat. 1516, substituted “Air Force medical specialists” for “women medical specialists” in item 8207, inserted “Air Force Reserve; Air National Guard of United States” in item 8212, and added items 8217 to 8219 and 8230.

**[§ 8201. Repealed. Pub. L. 96–513, title II, §202, Dec. 12, 1980, 94 Stat. 2878]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 497; Sept. 2, 1958, Pub. L. 85–861, §1(157), 72 Stat. 1513; Oct.

13, 1964, Pub. L. 88-647, title III, §301(20), 78 Stat. 1073, prescribed authorized strength of Air Force in members on active duty, exclusive of certain categories, and authorized daily average strength of Air Force in members on active duty during fiscal year, exclusive of certain categories.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### § 8202. Repealed. Pub. L. 101-510, div. A, title IV, § 403(b)(3)(A), Nov. 5, 1990, 104 Stat. 1545]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 498; Sept. 2, 1958, Pub. L. 85-861, §1(158), 72 Stat. 1514; Dec. 28, 1967, Pub. L. 90-228, §1(4), (5), 81 Stat. 745; Dec. 12, 1980, Pub. L. 96-513, title II, §203(b), 94 Stat. 2879, related to authorized strength of Air Force in general officers on active duty.

#### [[§ 8203 to 8209. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section 8203, acts Aug. 10, 1956, ch. 1041, 70A Stat. 498; Sept. 2, 1958, Pub. L. 85-861, §1(159), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in members on active duty, exclusive of officer candidates and aviation cadets.

Section 8204, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 6, 1958, Pub. L. 85-600, §1(14), 72 Stat. 523, prescribed authorized strength of Regular Air Force in commissioned officers on active list.

Section 8205, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 6, 1958, Pub. L. 85-600, §1(15), 72 Stat. 523; Sept. 2, 1958, Pub. L. 85-861, §1(160), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in commissioned officers on active list, exclusive of certain categories.

Section 8206, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 21, 1957, Pub. L. 85-155, title III, §301(1), 71 Stat. 386; Nov. 8, 1967, Pub. L. 90-130, §1(26)(A), 81 Stat. 382, prescribed authorized strength of Air Force nurses in commissioned officers on active list of Regular Air Force.

Section 8207, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Aug. 21, 1957, Pub. L. 85-155, title III, §301(2), 71 Stat. 386; Nov. 8, 1967, Pub. L. 90-130, §1(26)(B), 81 Stat. 382, prescribed authorized strength of Air Force medical specialists in commissioned officers on active list of Regular Air Force.

Section 8208, acts Aug. 10, 1956, ch. 1041, 70A Stat. 499; Nov. 8, 1967, Pub. L. 90-130, §1(26)(C), 81 Stat. 382, authorized prescribed strength in female commissioned officers on active list of Regular Air Force, other than those designated under section 8067 of this title to perform professional services.

Section 8209, acts Aug. 10, 1956, ch. 1041, 70A Stat. 500; Sept. 2, 1958, Pub. L. 85-861, §1(156), 72 Stat. 1513; Nov. 8, 1967, Pub. L. 90-130, §1(26)(D), 81 Stat. 382, prescribed authorized strength of Regular Air Force in commissioned officers on active list in each of categories of officers designated under section 8067 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### § 8210. Regular Air Force: strength in grade; general officers

(a) Subject to section 526 of this title, the authorized strength of the Regular Air Force in general officers on the active-duty list is 75/10,000 of the authorized strength of the Regular Air Force in commissioned officers on the active-duty list. Of this authorized strength, not

more than one-half may be in a regular grade above brigadier general.

(b) When the application of subsection (a) results in a fraction, a fraction of one-half or more is counted as one, and a fraction of less than one-half is disregarded.

(c) General officers on the active-duty list of the Regular Air Force who are specifically authorized by law to hold a civil office under the United States, or an instrumentality thereof, are not counted in determining authorized strength under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 500; Pub. L. 85-861, §1(161), Sept. 2, 1958, 72 Stat. 1514; Pub. L. 96-513, title V, §504(7), Dec. 12, 1980, 94 Stat. 2916; Pub. L. 102-190, div. A, title X, §1061(a)(23)(A), Dec. 5, 1991, 105 Stat. 1473.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8210(a) .....	10:506a(a) (words before 1st semicolon).	Aug. 7, 1947, ch. 512, §503(a), 61 Stat. 885.
8210(b) .....	10:506a(a) (less words before 1st semicolon, and less provisos).	
8210(c) .....	10:506a(a) (1st, 2d, and 3d provisos).	
8210(d) .....	10:506a(a) (4th proviso).	
8210(e) .....	10:506a(a) (last proviso).	

As enacted, section 503(a) of the Officer Personnel Act of 1947 (10:506a(a)) provided, subject to certain percentage limitations, for the following authorized strength of the Regular Army in general officers on the active list:

Medical Corps .....	16
Dental Corps .....	4
Veterinary Corps .....	1
The Chaplains .....	2
Army, exclusive of the above .....	334
Total .....	357

Under section 208(e) of the National Security Act of 1947 (5 U.S.C. 626c(e)), allocations of those authorized strengths were made between the Army and the Air Force as follows:

	Army	Air Force
Medical Corps .....	12	4
Dental Corps .....	3	1
Veterinary Corps .....	1	0
The Chaplains .....	1	1
Army and Air Force, exclusive of the above .....	184	150
Total .....	201	156

After the enactment of the Officer Personnel Act of 1947, section 308 of the Army Organization Act of 1950 (10:61-1) provided for an Assistant Judge Advocate General and three brigadier generals in the Judge Advocate General's Corps of the Army. The creation of these four general officer spaces served to increase the mentioned authorized strength figure from 357 to 361, and the figure 201 to 205. The opinion of the Judge Advocate General of the Army (JAGA 1948/5806, 2 Sept. 1948) is in accord with that conclusion.

The revised section reflects the authorized strength of the Regular Air Force in general officers on the active list resulting from the mentioned allocation to the Air Force.

That allocation, and those mentioned in the explanation of subsection (c) below, have had the force of law since July 26, 1950, when the period for transfers, including the administrative authority to change these allocations, expired.

The word “regular” is substituted for the word “permanent” throughout the revised subsection.

In subsection (c), 10:506a(a) (1st proviso) is omitted, since there is no authority to appoint to a regular grade above major general. 10:506a(a) (last 65 words of 2d proviso) is omitted as executed by the declaration of a national emergency on December 16, 1950.

In subsection (c)(1), the figures “4” and “2” result from the allocation of the original figures “16” and “8”.

In subsection (c)(2), the figure “1” results from the allocation of the original figures “4” and “2”.

In subsection (c)(3), the figure “1” results from the allocation of the original figures “2” and “1”. (The major general was allocated to the Army, the brigadier general to the Air Force.)

In subsection (c)(4), the figures “150” and “75” result from the allocation of the original figures “334” and “167”. That allocation corresponds to the allotment made by the Secretary of War between the Air Corps and the Army exclusive of the Air Corps, the Medical Department, and the Chaplains, under 10: 506a(a) (3d proviso). That proviso is omitted as executed.

In subsection (e), the words “by law to hold any civil office under the United States” are substituted for the words “by Acts of Congress to hold appointments in the Diplomatic or Consular Service of the Government or to hold any civil office under the Government”.

#### 1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8210(a) .....	10 App.:506a(a)(2) (less 4th and last sentences).	July 20, 1956, ch. 646, § 302 (less 1st par.), 70 Stat. 587.
8210(b) .....	10 App.:506a(a)(2) (4th sentence).	
8210(c) .....	10 App.:506a(a)(2) (last sentence).	

In subsection (a), the words “Subject to section 8202(a) of this title” are substituted for 10 App.:506a(a)(2) (3d sentence).

#### AMENDMENTS

1991—Subsec. (a). Pub. L. 102-190 substituted “section 526” for “section 8202(a)”.

1980—Subsecs. (a), (c). Pub. L. 96-513 substituted “active-duty list” for “active list” wherever appearing.

1958—Subsec. (a). Pub. L. 85-861 inserted “Subject to section 8202(a) of this title,” before “the”, and struck out provisions which excluded the number of commissioned officers on the active list authorized by former subsec. (b) of this section and medical service officers.

Subsec. (b). Pub. L. 85-861 redesignated subsec. (d) as (b), and struck out former subsec. (b) which prescribed the authorized strength of general officers as medical, dental, and veterinary officers, and as chaplains.

Subsec. (c). Pub. L. 85-861 redesignated subsec. (e) as (c), and struck out former subsec. (c) which prescribed the maximum number of general officers for the active list of the Regular Air Force.

Subsecs. (d), (e). Pub. L. 85-861 redesignated subsecs. (d) and (e) as (b) and (c), respectively.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### [§ 8211. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 501; Sept. 2, 1958, Pub. L. 85-861, §1(162), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in officers in each regular grade on each of promotion lists authorized by section 8296 of this title. See section 521 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 8212. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 501; Aug. 21, 1957, Pub. L. 85-155, title III, §301(3), 71 Stat. 386; Sept. 2, 1958, Pub. L. 85-861, §1(163), 72 Stat. 1515; June 30, 1960, Pub. L. 86-559, §1(48), 74 Stat. 275; Dec. 12, 1980, Pub. L. 96-513, title V, §504(8), 94 Stat. 2916, related to temporary increases in authorized strength in grade of Air Reserve and Air National Guard of United States. See section 12009 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### [§§ 8213 to 8215. Repealed. Pub. L. 96-513, title II, § 202, Dec. 12, 1980, 94 Stat. 2878]

Section 8213, act Aug. 10, 1956, ch. 1041, 70A Stat. 501, prescribed authorized strength of Regular Air Force in warrant officers on active list.

Section 8214, acts Aug. 10, 1956, ch. 1041, 70A Stat. 501; Sept. 2, 1958, Pub. L. 85-861, §1(159), 72 Stat. 1514, prescribed authorized strength of Regular Air Force in enlisted members on active duty, exclusive of officer candidates and aviation cadets.

Section 8215, acts Aug. 10, 1956, ch. 1041, 70A Stat. 502; Nov. 8, 1967, Pub. L. 90-130, §1(26)(E), (F), 81 Stat. 382, prescribed authorized strength of Regular Air Force in female warrant officers on active list.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§§ 8217 to 8225. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(a)(3), Oct. 5, 1994, 108 Stat. 2988]

Section 8217, added Pub. L. 85-861, §1(164)(A), Sept. 2, 1958, 72 Stat. 1515, related to authorized strength of Air Force in reserve commissioned officers in active status. See section 12003 of this title.

Section 8218, added Pub. L. 85-861, §1(164)(A), Sept. 2, 1958, 72 Stat. 1515; amended Pub. L. 96-107, title III, §302(d), Nov. 9, 1979, 93 Stat. 806; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 102-190, div. A, title X, §1061(a)(23)(B), Dec. 5, 1991, 105 Stat. 1473, related to authorized strength of Air Force in reserve general officers in active status. See section 12004 of this title.

Section 8219, added Pub. L. 85-861, §1(164)(A), Sept. 2, 1958, 72 Stat. 1515, related to authorized strength of Air Force in reserve commissioned officers in grades below brigadier general in active status. See section 12005(a) of this title.

Section 8221, act Aug. 10, 1956, ch. 1041, 70A Stat. 502, related to authorized strength of Air Force Reserve. See section 12001 of this title.

Section 8222, acts Aug. 10, 1956, ch. 1041, 70A Stat. 502; Dec. 12, 1980, Pub. L. 96-513, title V, §504(9), 94 Stat. 2916, related to authorized strength of Air Force Reserve, exclusive of members on active duty. See section 12002(a) of this title.

Section 8223, act Aug. 10, 1956, ch. 1041, 70A Stat. 502, related to authorized strength of Air Force Reserve in warrant officers. See section 12008 of this title.

Section 8224, act Aug. 10, 1956, ch. 1041, 70A Stat. 502, related to authorized strength of Air National Guard of United States. See section 12001 of this title.

Section 8225, acts Aug. 10, 1956, ch. 1041, 70A Stat. 503; Dec. 12, 1980, Pub. L. 96-513, title V, §504(9), 94 Stat. 2916; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to authorized strength of Air National Guard and Air National Guard of United States, exclusive of members on active duty. See section 12002 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**[§ 8230. Repealed. Pub. L. 96-513, title II, § 232, Dec. 12, 1980, 94 Stat. 2886]**

Section, added Pub. L. 85-861, §1(164)(B), Sept. 2, 1958, 72 Stat. 1515, provided that members of Air Force who are detailed for any duty with agencies of United States outside the Department of Defense on a reimbursable basis not be counted in computing strengths under any law.

## EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

## CHAPTER 833—ENLISTMENTS

Sec.

8251. Definition.  
 8252. Regular Air Force: gender-free basis for acceptance of original enlistments.  
 [8253 to 8256. Repealed.]  
 8257. Regular Air Force: aviation cadets; qualifications, grade, limitations.  
 8258. Regular Air Force: reenlistment after service as an officer.  
 [8259 to 8263. Repealed.]

## AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, §542(b)(2), Jan. 6, 2006, 119 Stat. 3253, struck out item 8253 “Air Force: persons not qualified”.

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(3), Oct. 5, 1994, 108 Stat. 3016, struck out items 8259 “Air Force Reserve: transfer from Air National Guard of United States”, 8260 “Air Force Reserve: transfer to upon withdrawal as member of Air National Guard”, and 8261 “Air National Guard of United States”.

1988—Pub. L. 100-456, div. A, title V, §522(a)(2), Sept. 29, 1988, 102 Stat. 1973, added item 8252.

1968—Pub. L. 90-235, §2(a)(4)(C), Jan. 2, 1968, 81 Stat. 756, struck out item 8252 “Temporary enlistments”, item 8254 “Air Force: during war or emergency”, item 8255 “Regular Air Force: recruiting campaigns”, item 8256 “Regular Air Force: qualifications, term, grade”, item 8262 “Extension of enlistment for members needing medical care or hospitalization”, and item 8263 “Voluntary extension of enlistment”.

1958—Pub. L. 85-861, §1(166)(C), (D), Sept. 2, 1958, 72 Stat. 1516, struck out “: enlistment” after “United States” in item 8261, and added item 8263.

## § 8251. Definition

In this chapter, the term “enlistment” means original enlistment or reenlistment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 503; Pub. L. 100-180, div. A, title XII, §1231(19)(A), Dec. 4, 1987, 101 Stat. 1161.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8251 .....	[No source].	[No source].

The revised section is inserted for clarity.

## AMENDMENTS

1987—Pub. L. 100-180 inserted “, the term” after “In this chapter”.

## WOMEN IN ARMED FORCES

Pub. L. 98-525, title V, §551(a), Oct. 19, 1984, 98 Stat. 2530, as amended by Pub. L. 99-661, div. A, title V, §504,

Nov. 14, 1986, 100 Stat. 3864; Pub. L. 100-180, div. A, title V, §506, Dec. 4, 1987, 101 Stat. 1086, which required the Secretary of the Air Force to provide that of all persons originally enlisting in the Regular Air Force during fiscal year 1989, not less than 22 percent be women, was repealed by Pub. L. 100-456, div. A, title V, §522(d), Sept. 29, 1988, 102 Stat. 1974. See section 8252 of this title.

**§ 8252. Regular Air Force: gender-free basis for acceptance of original enlistments**

In accepting persons for original enlistment in the Regular Air Force, the Secretary of the Air Force may not—

- (1) set a minimum or maximum percentage of persons who may be accepted for such an enlistment according to gender for skill categories or jobs; or
- (2) in any other way base the acceptance of a person for such an enlistment on gender.

(Added Pub. L. 100-456, div. A, title V, §522(a)(1), Sept. 29, 1988, 102 Stat. 1973; amended Pub. L. 102-484, div. A, title X, §1052(40), Oct. 23, 1992, 106 Stat. 2501.)

## PRIOR PROVISIONS

A prior section 8252, act Aug. 10, 1956, ch. 1041, 70A Stat. 503, provided that temporary enlistments could be made only in Air Force without specification of component, prior to repeal by Pub. L. 90-235, §2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756.

## AMENDMENTS

1992—Pub. L. 102-484 substituted “In” for “(a) Except as provided in subsection (b), in” and struck out subsec. (b) which read as follows: “Subsection (a) shall not apply with respect to an enlistment specified as being for training leading to designation in a skill category involving duty assignments to which, under section 8549 of this title, female members of the Air Force may not be assigned.”

## EFFECTIVE DATE

Section 522(c) of Pub. L. 100-456 provided that: “Such section [10 U.S.C. 8252] shall apply with respect to persons accepted for original enlistment in the Regular Air Force after September 30, 1989.”

## IMPLEMENTATION

Section 522(b) of Pub. L. 100-456 provided that: “The Secretary of the Air Force shall develop a methodology for implementing section 8252 of title 10, United States Code, as added by subsection (a), not later than October 1, 1989.”

**[§ 8253. Repealed. Pub. L. 109-163, div. A, title V, § 542(b)(1), Jan. 6, 2006, 119 Stat. 3253]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 503; Pub. L. 87-143, §1(2), Aug. 17, 1961, 75 Stat. 364; Pub. L. 90-235, §2(a)(4)(A), Jan. 2, 1968, 81 Stat. 756; Pub. L. 96-513, title V, §514(2), Dec. 12, 1980, 94 Stat. 2935, provided that, in peace time, Air Force enlistment was available only to citizens and persons lawfully admitted to the United States for permanent residence.

**[§§ 8254 to 8256. Repealed. Pub. L. 90-235, §2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756]**

Section 8254, act Aug. 10, 1956, ch. 1041, 70A Stat. 503, provided for temporary enlistments in Air Force during war or emergency.

Section 8255, act Aug. 10, 1956, ch. 1041, 70A Stat. 504, provided for recruiting campaigns to obtain enlistments in Regular Air Force.

Section 8256, act Aug. 10, 1956, ch. 1041, 70A Stat. 504, set forth qualifications for and term of enlistments in

Regular Air Force and grade in which such enlistments were made.

**MEMBERS OF ARMY AND AIR FORCE SERVING UNDER ENLISTMENTS FOR UNSPECIFIED PERIODS ON JAN. 2, 1968; CONTINUANCE IN STATUS; DISCHARGE**

Members of Air Force serving under enlistments for unspecified periods on Jan. 2, 1968, continued in that status and discharged in accordance with laws applicable on Jan. 1, 1968, see section 3(c) of Pub. L. 90-235, set out as a note under section 3256 of this title.

**§ 8257. Regular Air Force: aviation cadets; qualifications, grade, limitations**

(a) The grade of aviation cadet is a special enlisted grade in the Regular Air Force.

(b) Any citizen of the United States may be enlisted as an aviation cadet, if he is otherwise qualified.

(c) Any enlisted member of the Regular Air Force who is otherwise qualified may be designated, with his consent, as an aviation cadet by the Secretary of the Air Force.

(d) Except in time of war or of emergency declared by Congress, at least 20 percent of the aviation cadets designated in each fiscal year shall be selected from members of the Regular Air Force or the Regular Army who are eligible and qualified. No person may be enlisted or designated as an aviation cadet unless—

(1) he agrees in writing that, upon his successful completion of the course of training as an aviation cadet, he will accept a commission as second lieutenant in the Air Force Reserve, and will serve on active duty as such for a period of three years, unless sooner released; and

(2) if under 21 years of age, he has the consent of his parent or guardian to his agreement.

(e) While on active duty, an aviation cadet is entitled to uniforms, clothing, and equipment at the expense of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 504; Pub. L. 85-861, § 33(a)(37), Sept. 2, 1958, 72 Stat. 1566; Pub. L. 96-513, title II, § 237, Dec. 12, 1980, 94 Stat. 2887.)

**HISTORICAL AND REVISION NOTES**  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8257(a) .....	10:297a.	June 3, 1941, ch. 165, §§ 1, 3 (1st and 2d sentences), 55 Stat. 239.
8257(b) .....	10:299 (1st sentence, less last 19 words).	June 13, 1949, ch. 199, § 3, 63 Stat. 175.
8257(c) .....	10:291f-2 (less 1st 55 words of 1st proviso). 10:299 (last 19 words of 1st sentence).	
8257(d) .....	10:291f-2 (1st 55 words of 1st proviso). 10:299 (2d sentence).	

In subsection (b), the words “Under such regulations as the Secretary of the Army may prescribe” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

In subsection (c), the words “who is otherwise qualified” and “with his consent” are substituted for 10:291f-2 (less 1st 55 words of 1st proviso).

In subsection (d), the first sentence is substituted for 10:291f-2 (proviso). The words “after June 13, 1940” (the date of enactment of the source statute) are substituted for the word “hereafter”, in 10:291f-2. The words “after June 13, 1949”, in 10:291f-2, are omitted as

executed. The first 17 words of the last sentence are substituted for 10:299 (1st 20 words of 2d sentence). Clause (2) is substituted for 10:299 (proviso of 2d sentence).

**1958 ACT**

The new subsection (e) is necessary to reflect the last 11 words of the second sentence of section 4 of the Army Aviation Cadet Act (formerly 10 U.S.C. 304), which were omitted from the original military codification act, the Act of August 10, 1956, chapter 1041, as part of the source law for section 20(b) of that Act (70A Stat. 627). See Senate Report No. 2484, 84th Congress, 2d Session, page 738. Since the source law did not permit the payment of a money allowance to an aviation cadet in place of the issuance of uniforms, clothing, and equipment, as may be done for enlisted members generally, it is necessary to restate this provision separately. See Opinion of the Deputy General Counsel, Department of Defense, May 29, 1957.

**AMENDMENTS**

1980—Subsec. (b). Pub. L. 96-513 substituted “Any citizen” for “Any male citizen”.

Subsec. (c). Pub. L. 96-513 substituted “Any enlisted member” for “Any male enlisted member”.

1958—Subsec. (e). Pub. L. 85-861 added subsec. (e).

**EFFECTIVE DATE OF 1980 AMENDMENT**

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

**EFFECTIVE DATE OF 1958 AMENDMENT**

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

**§ 8258. Regular Air Force: reenlistment after service as an officer**

(a) Any former enlisted member of the Regular Air Force who has served on active duty as an officer of the Air Force, or who was discharged as an enlisted member to accept an appointment as an officer of the Air Force, is entitled to be reenlisted in the Regular Air Force in the enlisted grade that he held before his service as an officer, without loss of seniority or credit for service, regardless of the existence of a vacancy in his grade or of a physical disability incurred or having its inception in line of duty, if (1) his service as an officer is terminated by an honorable discharge or he is relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and (2) he applies for reenlistment within six months (or such other period as the Secretary of the Air Force prescribes for exceptional circumstances) after termination of that service.

(b) A person is not entitled to be reenlisted under this section if—

(1) the person was discharged or released from active duty as an officer on the basis of a determination of—

(A) misconduct;

(B) moral or professional dereliction;

(C) duty performance below prescribed standards for the grade held; or

(D) retention being inconsistent with the interests of national security; or

(2) the person's former enlisted status and grade was based solely on the participation by

that person in a precommissioning program that resulted in the commission held by that person during the active duty from which the person was released or discharged.

(Aug. 10, 1956, ch. 1041, 70A Stat. 505; Pub. L. 85-603, §1(3), Aug. 8, 1958, 72 Stat. 526; Pub. L. 102-484, div. A, title V, §520(b), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 110-181, div. A, title V, §506(b), Jan. 28, 2008, 122 Stat. 96.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8258 .....	10:631a (less last proviso).	July 14, 1939, ch. 267, §1 (less last proviso); re-stated May 29, 1954, ch. 249, §19(b) (less last proviso), 68 Stat. 166.

The words “former” and “as an enlisted member” are inserted for clarity. The words “credit for service” are substituted for the words “of service”. The words “in his grade” are substituted for the words “in the appropriate enlisted grade”. The words “he applies” are substituted for the words “application \* \* \* shall be made”. The words “Hereafter” and “while on active duty” are omitted as surplusage.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, §506(b)(1), substituted “duty as an officer of the Air Force” for “duty as a reserve officer of the Air Force” and “an appointment” for “a temporary appointment”.

Subsec. (b)(1). Pub. L. 110-181, §506(b)(2)(A), substituted “an officer” for “a Reserve officer” in introductory provisions.

Subsec. (b)(2). Pub. L. 110-181, §506(b)(2)(B), substituted “the commission” for “the Reserve commission”.

1992—Pub. L. 102-484 designated existing provisions as subsec. (a), added subsec. (b), and struck out at end of subsec. (a) “However, if his service as an officer terminated by a general discharge, he may, under regulations to be prescribed by the Secretary of the Air Force, be so reenlisted.”

1958—Pub. L. 85-603 limited entitlement to be reenlisted in enlisted grade to those officers whose service terminated by an honorable discharge and those relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and provided that persons whose service terminated by a general discharge, may, under regulations to be prescribed by the Secretary of the Air Force, be so reenlisted.

#### EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-484 applicable to persons discharged or released from active duty as commissioned officers in the Air Force Reserve after Oct. 23, 1992, see section 520(c) of Pub. L. 102-484, set out as a note under section 3258 of this title.

**[§§ 8259 to 8261. Repealed. Pub. L. 103-337, div. A, title XVI, §1662(b)(3), Oct. 5, 1994, 108 Stat. 2990]**

Section 8259, acts Aug. 10, 1956, ch. 1041, 70A Stat. 505; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to transfers in grade of members of Air National Guard of United States to Air Force Reserve. See section 12105 of this title.

Section 8260, act Aug. 10, 1956, ch. 1041, 70A Stat. 505, provided that enlisted members of Air National Guard of United States are transferred to Air Force Reserve upon withdrawal as members of Air National Guard. See section 12106 of this title.

Section 8261, acts Aug. 10, 1956, ch. 1041, 70A Stat. 505; Oct. 4, 1961, Pub. L. 87-378, §4, 75 Stat. 808, related to en-

listment in Air National Guard of United States. See section 12107 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**[§§ 8262, 8263. Repealed. Pub. L. 90-235, §2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756]**

Section 8262, acts Aug. 10, 1956, ch. 1041, 70A Stat. 506; Sept. 2, 1958, Pub. L. 85-861, §1(166)(A), 72 Stat. 1516, provided for extension of enlistment of members of the Air Force needing medical care or hospitalization.

Section 8263, added Pub. L. 85-861, §1(166)(B), Sept. 2, 1958, 72 Stat. 1516; Pub. L. 87-649, §14c(53), Sept. 7, 1962, 76 Stat. 501, provided for voluntary extension of enlistments in the Air Force.

### CHAPTER 835—APPOINTMENTS IN THE REGULAR AIR FORCE

Sec.

8281. Commissioned officer grades.

[8284 to 8309. Repealed.]

8310. Warrant officers: original appointment; qualifications.

[8312 to 8314. Repealed.]

#### AMENDMENTS

1980—Pub. L. 96-513, title V, §504(10), Dec. 12, 1980, 94 Stat. 2916, struck out items 8284 “Commissioned officers: appointment, how made”, 8285 “Commissioned officers: original appointment; qualifications”, 8286 “Commissioned officers: original appointment; age limitations”, 8287 “Commissioned officers: original appointment; service credit”, 8288 “Commissioned officers: original appointment; determination of grade”, 8289 “Commissioned officers: medical officers; original appointment; professional examination”, 8293 “Commissioned officers: chaplains: original appointment; examination”, 8294 “Commissioned officers: medical and dental officers: original appointment”, 8295 “Commissioned officers: original appointment; determination of place on promotion list”, 8296 “Promotion lists: promotion-list officer defined; determination of place upon transfer or promotion”, 8297 “Selection boards”, 8298 “Commissioned officers: promotion to first lieutenant; effect of failure of promotion”, 8299 “Commissioned officers: promotion to captain, major, or lieutenant colonel”, 8300 “Commissioned officers: promotion to captain, major, or lieutenant colonel; selection board procedure”, 8301 “Commissioned officers: promotion to captain, major, or lieutenant colonel; officers with special qualifications”, 8302 “Commissioned officers: medical, dental, and veterinary officers: promotion to captain, major, or lieutenant colonel; professional examination”, 8303 “Commissioned officers: effect of failure of promotion to captain, major, or lieutenant colonel”, 8305 “Commissioned officers: promotion to colonel”, 8306 “Commissioned officers: promotion to brigadier general”, 8307 “Commissioned officers: promotion to major general”, 8308 “Commissioned officers: effect of removal from recommended list by President or failure of confirmation by Senate”, 8309 “Commissioned officers: physical examination for promotion”, 8312 “Officers: acceptance of promotion”, 8313 “Suspension of laws for promotion or mandatory retirement or separation during war or emergency”, and 8314 “Commissioned officers: promotion not be to delayed by another appointment”.

1958—Pub. L. 85-861, §§1(177)(B), 33(a)(38), Sept. 2, 1958, 72 Stat. 1520, 1566, substituted “officers” for “Officers” in item 8309, and added item 8314.

1957—Pub. L. 85-155, title III, §301(15), Aug. 21, 1957, 71 Stat. 388, struck out items 8291 “Commissioned officers; Air Force nurses and women medical specialists: original appointment; additional qualifications, grade” and 8304 “Commissioned officers; Air Force nurses and



women medical specialists: promotion to first lieutenant, captain, major, lieutenant colonel, or colonel”.

#### § 8281. Commissioned officer grades

The commissioned grades in the Regular Air Force are:

- (1) Major general.
- (2) Brigadier general.
- (3) Colonel.
- (4) Lieutenant colonel.
- (5) Major.
- (6) Captain.
- (7) First lieutenant.
- (8) Second lieutenant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 507.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8281 .....	10:506(a) (last 24 words).	Aug. 7, 1947, ch. 512, § 502(a) (last 24 words), 61 Stat. 884.

#### [[§ 8284 to 8289. Repealed. Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 8284, act Aug. 10, 1956, ch. 1041, 70A Stat. 507, provided that appointments in commissioned grades in Regular Air Force be made by President, by and with advice and consent of Senate. See section 531 of this title.

Section 8285, acts Aug. 10, 1956, ch. 1041, 70A Stat. 507; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(4), 71 Stat. 386; Sept. 2, 1958, Pub. L. 85–861, § 1(167), 72 Stat. 1516, prescribed eligibility requirements for original appointment in a commissioned grade in Regular Air Force, except designation as a medical or dental officer and except a graduating cadet. See section 532 of this title.

Section 8286, acts Aug. 10, 1956, ch. 1041, 70A Stat. 507; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(5), 71 Stat. 386; Sept. 2, 1958, Pub. L. 85–861, § 1(168), 72 Stat. 1517, prescribed age limitations for original appointment in a commissioned grade in Regular Air Force, except designation as a medical or dental officer or as an Air Force nurse or medical specialist. See section 532 of this title.

Section 8287, acts Aug. 10, 1956, ch. 1041, 70A Stat. 508; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(6), 71 Stat. 386; Sept. 2, 1958, Pub. L. 85–861, § 1(169), 72 Stat. 1517; Sept. 30, 1966, Pub. L. 89–609, § 1(28), 80 Stat. 854, provided service credit for a person originally appointed in a commissioned grade in Regular Air Force, other than a person appointed as a medical or dental officer, for purpose of determining grade, position on a promotion list, seniority in his grade in Regular Air Force, and eligibility for promotion, with appointment and service credit restrictions on persons who were cadets at the United States Air Force, Military, or Naval Academies but were not graduated, and a disallowance of service credit under this section for persons who graduated from one of these Academies. See section 533 of this title.

Section 8288, acts Aug. 10, 1956, ch. 1041, 70A Stat. 508; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(7), 71 Stat. 387; Sept. 2, 1958, Pub. L. 85–861, § 1(170), 72 Stat. 1518, provided for determination of grade of a person originally appointed as a commissioned officer in Regular Air Force, other than persons appointed as medical or dental officers. See section 533 of this title.

Section 8289, act Aug. 10, 1956, ch. 1041, 70A Stat. 509, provided that no person be originally appointed as a first lieutenant in Regular Air Force with a view to designation as a medical officer until he passes an examination of his professional fitness before an examining board composed of at least three medical officers designated by Secretary of Air Force. See section 532 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 8291. Repealed. Pub. L. 85–155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 509, related to original appointments in Regular Air Force of nurses or woman medical specialists, and prescribed qualifications for appointment as a nurse.

#### [[§ 8293 to 8303. Repealed. Pub. L. 96–513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 8293, act Aug. 10, 1956, ch. 1041, 70A Stat. 509, provided that no person in civil life be originally appointed as a chaplain in Regular Air Force unless he has passed an examination prescribed by President as to his moral, mental, and physical qualifications. See section 532 of this title.

Section 8294, acts Aug. 10, 1956, ch. 1041, 70A Stat. 509; Sept. 2, 1958, Pub. L. 85–861, § 1(173), 72 Stat. 1518, provided that original appointments in Regular Air Force be made in grades of first lieutenant through colonel for medical and dental officers as Air Force requires, from qualified doctors of medicine, osteopathy, or dentistry who are citizens of the United States and have such other qualifications as Secretary of Air Force prescribes, with specific additional eligibility requirements for a doctor of osteopathy, and that officers so appointed receive service credit for determining grade, position on a promotion list, seniority in grade in Regular Air Force, and eligibility for promotion. See section 532 of this title.

Section 8295, acts Aug. 10, 1956, ch. 1041, 70A Stat. 510; Sept. 2, 1958, Pub. L. 85–861, § 1(174), 72 Stat. 1519, provided for determination of place on a promotion list of the name of each person who is originally appointed in a commissioned grade in Regular Air Force and whose name is carried on a promotion list, other than persons appointed as medical or dental officers or as an Air Force nurse or medical specialist. See section 624 of this title.

Section 8296, acts Aug. 10, 1956, ch. 1041, 70A Stat. 510; Aug. 6, 1958, Pub. L. 85–600, § 1(16), 72 Stat. 523; Sept. 2, 1958, Pub. L. 85–861, § 1(156), (175), 72 Stat. 1513, 1519, provided for promotion lists in Regular Air Force for all commissioned officers in grades below brigadier general on active list, with exceptions, which officers are known as “promotion-list officers”, a separate list for chaplains, judge advocates, medical officers, dental officers, veterinary officers, medical service officers, Air Force nurses, Air Force medical specialists, and any category established by Secretary of Air Force under section 8067(i) of this title, and determination of place on list upon transfer or promotion. See section 624 of this title.

Section 8297, acts Aug. 10, 1956, ch. 1041, 70A Stat. 510; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(8), 71 Stat. 387; July 12, 1960, Pub. L. 86–616, § 6(1), 74 Stat. 391, provided for selection boards to recommend promotion-list officers and brigadier generals of Regular Air Force for promotion in Regular Air Force. See section 611 et seq. of this title.

Section 8298, acts Aug. 10, 1956, ch. 1041, 70A Stat. 511; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(9), title IV, § 401(1), 71 Stat. 387, 390, provided for promotion from grade of second lieutenant to first lieutenant after three years of service, discharge under section 8814 of this title upon failure of promotion, and filling vacancies for first lieutenants with second lieutenants, except Air Force nurses and medical specialists, prior to completion of three years of service. See section 630 of this title.

Section 8299, acts Aug. 10, 1956, ch. 1041, 70A Stat. 511; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(10), title IV, § 401(1), 71 Stat. 387, 390; Sept. 2, 1958, Pub. L. 85–861, § 33(a)(21), 72 Stat. 1565; Sept. 30, 1966, Pub. L. 89–609,

§1(29), 80 Stat. 854; Nov. 8, 1967, Pub. L. 90-130, §1(27)(A), 81 Stat. 382, provided that promotion-list officers be promoted to regular grades of captain, major, and lieutenant colonel, after specified length of service or without regard to length of service in view of actual or anticipated vacancies if Secretary of Air Force so directs, or be eliminated from active list under section 8303 of this title and a promotion-list officer who has twice been considered and not recommended for promotion to any one regular grade not be again considered for promotion under this section. See sections 631 and 632 of this title.

Section 8300, acts Aug. 10, 1956, ch. 1041, 70A Stat. 513; Aug. 21, 1957, Pub. L. 85-155, title III, §301(11), 71 Stat. 388; July 12, 1960, Pub. L. 86-616, §6(2), 74 Stat. 391; Nov. 8, 1967, Pub. L. 90-130, §1(27)(B), 81 Stat. 382, provided for selection board procedure when promotion-list officers in regular grade of first lieutenant, captain, or major are to be considered for promotion under section 8299 of this title. See section 611 et seq. of this title.

Section 8301, acts Aug. 10, 1956, ch. 1041, 70A Stat. 513; Aug. 21, 1957, Pub. L. 85-155, title III, §301(12), 71 Stat. 388; Nov. 8, 1967, Pub. L. 90-130, §1(27)(C), 81 Stat. 382, provided for, in addition to method prescribed in section 8300 of this title, promotion to captain, major, or lieutenant colonel of officers with special qualifications, whenever there are vacancies on Air Force promotion list in regular grade of captain, major, or lieutenant colonel and Secretary of Air Force considers that there are or will be too few officers in any of those grades with special qualifications.

Section 8302, act Aug. 10, 1956, ch. 1041, 70A Stat. 513, related to promotion to captain, major, or lieutenant colonel of commissioned medical, dental, or veterinary officers in Regular Air Force upon examination of professional fitness and effect upon failure of promotion. See sections 631 and 632 of this title.

Section 8303, acts Aug. 10, 1956, ch. 1041, 70A Stat. 514; Aug. 21, 1957, Pub. L. 85-155, title III, §301(13), 71 Stat. 388; July 12, 1960, Pub. L. 86-616, §6(3), 74 Stat. 391; June 28, 1962, Pub. L. 87-509, §4(a), 76 Stat. 121; Nov. 8, 1967, Pub. L. 90-130, §1(27)(D), 81 Stat. 382, related to effect of failure of a promotion-list officer considered for promotion to grade of captain, major, or lieutenant colonel under section 8299 of this title to be recommended for promotion, which officer was to be known as a “deferred officer”. See sections 631 and 632 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 8304. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 515, related to promotion of Air Force nurses or women medical specialists to grades of first lieutenant, captain, major, lieutenant colonel, or colonel.

#### [§§ 8305 to 8309. Repealed. Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 8305, acts Aug. 10, 1956, ch. 1041, 70A Stat. 516; Aug. 21, 1957, Pub. L. 85-155, title III, §301(14), 71 Stat. 388; Nov. 8, 1967, Pub. L. 90-130, §1(27)(E), 81 Stat. 382, related to promotion of officers in regular grade of lieutenant colonel to grade of colonel. See section 619 et seq. of this title.

Section 8306, act Aug. 10, 1956, ch. 1041, 70A Stat. 516, related to promotion of officers in regular grade of colonel to grade of brigadier general. See section 619 et seq. of this title.

Section 8307, act Aug. 10, 1956, ch. 1041, 70A Stat. 517, related to promotion of officers in regular grade of brigadier general to grade of major general. See section 619 et seq. of this title.

Section 8308, act Aug. 10, 1956, ch. 1041, 70A Stat. 518, related to effect of removal from recommended list by

President of name of any promotion-list officer or brigadier general of Regular Air Force who in President's opinion is not qualified for promotion or who is not confirmed by Senate. See section 629 of this title.

Section 8309, act Aug. 10, 1956, ch. 1041, 70A Stat. 518, provided that President prescribe a system of physical examination for all commissioned officers of Regular Air Force in grades below brigadier general to determine their fitness for promotion in Regular Air Force. See section 624 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### § 8310. Warrant officers: original appointment; qualifications

Original appointments as warrant officers in the Regular Air Force shall be made from persons who have served on active duty at least one year in the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 518.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8310 .....	10:591. [Uncodified: June 3, 1916, ch. 134, §4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, §4 (3d par., less 3d and last sentences), 41 Stat. 761].	June 3, 1916, ch. 134, §4a (less 3d and last sentences); added June 4, 1920, ch. 227, subch. I, §4 (3d par., less 3d and last sentences), 41 Stat. 761.] Aug. 21, 1941, ch. 384, §2; restated May 29, 1954, ch. 249, §19(c), 68 Stat. 166.

The first sentence of section 4a of the act of June 3, 1916, cited above, is omitted as superseded by section 8213 of this title. The second sentence, less first nine words, of section 4a of that act, is omitted as superseded by 10:591.

#### [§§ 8312 to 8314. Repealed. Pub. L. 96-513, title II, § 204, Dec. 12, 1980, 94 Stat. 2880]

Section 8312, act Aug. 10, 1956, ch. 1041, 70A Stat. 519, provided that an officer who is promoted in Regular Air Force is considered to have accepted his promotion on date of order announcing it, unless he expressly declines it, without need to take the oath of office upon promotion if his service since last taking it has been continuous. See section 626 of this title.

Section 8313, act Aug. 10, 1956, ch. 1041, 70A Stat. 519, provided that in time of war or national emergency declared by Congress or President, the President may suspend operation of any provision of law relating to promotion, mandatory retirement, or separation of commissioned officers of Regular Air Force. See section 123(a), (b) of this title.

Section 8314, added Pub. L. 85-861, §1(177)(A), Sept. 2, 1958, 72 Stat. 1519, provided that promotion to a higher grade of a commissioned officer of Regular Air Force who is on a recommendation list awaiting promotion not be withheld or delayed because of original appointment of any other person to a commissioned grade in Regular Air Force and that this section does not apply to appointments as medical or dental officers or Air Force nurses or medical specialists. See section 624 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[CHAPTER 837—REPEALED]****[§ 8351. Renumbered § 12212]****[§ 8352. Renumbered § 12214]****[§§ 8353, 8354. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963]**

Section 8353, added Pub. L. 85–861, §1(178)(A), Sept. 2, 1958, 72 Stat. 1520; amended Pub. L. 86–559, §1(49), June 30, 1960, 74 Stat. 275; Pub. L. 96–513, title II, §205(b), Dec. 12, 1980, 94 Stat. 2882; Pub. L. 97–22, §7, July 10, 1981, 95 Stat. 131; Pub. L. 98–94, title X, §1007(c)(5), Sept. 24, 1983, 97 Stat. 662; Pub. L. 100–180, div. A, title VII, §714(d), Dec. 4, 1987, 101 Stat. 1113; Pub. L. 103–160, div. A, title V, §509(d), Nov. 30, 1993, 107 Stat. 1648, related to service credit upon original appointment as reserve commissioned officer in Air Force. See section 12207 of this title.

Section 8354, acts Aug. 10, 1956, ch. 1041, 70A Stat. 520; Sept. 2, 1958, Pub. L. 85–861, §1(178)(B), 72 Stat. 1520, related to appointment of warrant officers and enlisted members of Air National Guard of United States as reserve officers.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

**[§ 8355. Repealed. Pub. L. 88–647, title III, § 301(21), Oct. 13, 1964, 78 Stat. 1073]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 520; Sept. 2, 1958, Pub. L. 85–861, §33(a)(22), 72 Stat. 1565, related to appointment of graduates of junior or senior division of Air Force Reserve Officers' Training Corps as reserve commissioned officers.

**[§ 8356. Repealed. Pub. L. 103–337, div. A, title XVI, § 1636(b), Oct. 5, 1994, 108 Stat. 2968]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 520, related to appointment and promotion of aviation cadets as commissioned officers in Air Force Reserve.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Feb. 10, 1996, see section 1501(f)(1) of Pub. L. 104–106, set out as an Effective Date of 1994 Amendment note under section 12213 of this title.

**[§§ 8358 to 8368. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963]**

Section 8358, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1520, related to service credit upon original appointment as commissioned officer in grade below colonel. See section 12201 et seq. of this title.

Section 8359, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1521; amended Pub. L. 98–94, title X, §1014(b), Sept. 24, 1983, 97 Stat. 666; Pub. L. 98–525, title V, §521(b), Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99–145, title V, §521(a), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100–180, div. A, title V, §502(a), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101–189, div. A, title V, §503(a), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102–484, div. A, title V, §519(a), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103–160, div. A, title V, §514(a), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104–106, div. A, title V, §511(a), Feb. 10, 1996, 110 Stat. 298, related to determination of grade upon original appointment as reserve officer of Air Force. See section 12201 et seq. of this title.

Section 8360, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1521; amended Pub. L. 100–456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 104–106, div. A, title XV, §1501(c)(30), Feb. 10, 1996, 110

Stat. 500, related to service required for promotion of reserve commissioned officers. See section 14001 et seq. of this title.

Section 8361, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1522; amended Pub. L. 86–559, §1(50), June 30, 1960, 74 Stat. 275, related to seniority for purposes of promotion of reserve commissioned officers. See section 14301 et seq. of this title.

Section 8362, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1522; amended Pub. L. 86–559, §1(51), June 30, 1960, 74 Stat. 275, related to convening of selection boards to consider reserve commissioned officers for promotion. See section 14101 et seq. of this title.

Section 8363, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1522; amended Pub. L. 86–559, §1(52), June 30, 1960, 74 Stat. 275; Pub. L. 100–456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to requirements and procedures for promotion of officers in reserve grades. See section 14301 et seq. of this title.

Section 8365, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1523, related to promotion of second lieutenants of Air Force Reserve. See section 14301 et seq. of this title.

Section 8366, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1523; amended Pub. L. 86–559, §1(53), June 30, 1960, 74 Stat. 275; Pub. L. 90–130, §1(28)(A), Nov. 8, 1967, 81 Stat. 382, related to promotion of first lieutenants, captains, and majors of Air Force Reserve or Air National Guard of United States. See section 14301 et seq. of this title.

Section 8367, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1525; amended Pub. L. 86–559, §1(54), June 30, 1960, 74 Stat. 276, related to selection board procedures for promotion of first lieutenants, captains, and majors of Air Force Reserve or Air National Guard of United States. See section 14001 et seq. of this title.

Section 8368, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1525; amended Pub. L. 86–559, §1(55), June 30, 1960, 74 Stat. 276; Pub. L. 90–130, §1(28)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 100–180, div. A, title XII, §1231(19)(B), Dec. 4, 1987, 101 Stat. 1161, related to effect of failure of promotion of reserve officers in grades of first lieutenant, captain, and major. See section 14301 et seq. of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103–337, set out as an Effective Date note under section 10001 of this title.

**[§ 8370. Repealed. Pub. L. 90–130, § 1(28)(C), Nov. 8, 1967, 81 Stat. 382]**

Section, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1526; Pub. L. 86–559, §1(56), June 30, 1960, 74 Stat. 276, placed restrictions on promotion consideration of Air Force nurses, medical specialists, and female officers being considered for promotion to the Reserve grades of lieutenant colonel and colonel.

**[§§ 8371 to 8378. Repealed. Pub. L. 103–337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963]**

Section 8371, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1527, related to promotion of officers to grade of colonel to fill vacancies in Air Force Reserve. See section 14301 et seq. of this title.

Section 8372, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1527; amended Pub. L. 86–559, §1(57), June 30, 1960, 74 Stat. 276, related to promotion of officers with special qualifications to grade of captain, major, lieutenant colonel, or colonel of Air Force Reserve. See section 14301 et seq. of this title.

Section 8373, added Pub. L. 89–172, §1, Sept. 8, 1965, 79 Stat. 662, related to promotion of officers to grades of brigadier general and major general of Air Force Reserve. See section 14315 of this title.

A prior section 8373, added Pub. L. 85–861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528; amended Pub. L. 86–559,

§1(58), June 30, 1960, 74 Stat. 277, containing similar subject matter, expired by its own terms on June 30, 1964.

Section 8374, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528, provided that promotion of reserve commissioned officers be effective upon Federal recognition in next higher grade of Air National Guard. See section 14308(f) of this title.

Section 8375, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528; amended Pub. L. 86-559, §1(59), June 30, 1960, 74 Stat. 277; Pub. L. 96-513, title V, §514(3), Dec. 12, 1980, 94 Stat. 2935, related to transfer or discharge of officers promoted to reserve grade of brigadier general or major general ceasing to occupy those positions. See section 14314(a), (c) of this title.

Section 8376, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1528; amended Pub. L. 86-559, §1(60), June 30, 1960, 74 Stat. 277, related to promotion of commissioned officers of Air Force Reserve or Air National Guard of United States to higher reserve grades after temporary appointments. See section 14301 et seq. of this title.

Section 8377, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1529; amended Pub. L. 86-559, §1(61), June 30, 1960, 74 Stat. 277, related to effect of removal of reserve commissioned officer from recommended promotion list by President. See section 14301 et seq. of this title.

Section 8378, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1530, related to promotion of reserve commissioned officers removed from active status. See section 14317(a) of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### [§ 8379. Repealed. Pub. L. 103-337, div. A, title XVI, § 1636(c), Oct. 5, 1994, 108 Stat. 2968]

Section, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1530, provided that appointing commissioned officers of Air National Guard was function of governors.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Feb. 10, 1996, see section 1501(f)(1) of Pub. L. 104-106, set out as an Effective Date of 1994 Amendment note under section 12213 of this title.

#### [§§ 8380 to 8396. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963]

Section 8380, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1530; amended Pub. L. 86-559, §1(62), June 30, 1960, 74 Stat. 277; Pub. L. 98-94, title X, §1015(b)(1), Sept. 24, 1983, 97 Stat. 667; Pub. L. 99-145, title V, §521(b), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100-180, div. A, title V, §502(b)(1), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, §503(b)(1), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102-484, div. A, title V, §519(b), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103-160, div. A, title V, §514(b), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104-106, div. A, title V, §511(b), title XV, §1501(c)(31), Feb. 10, 1996, 110 Stat. 298, 500, related to promotion of reserve commissioned officers on active duty and not on the active duty list. See section 14311(e) of this title.

Section 8381, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer, discharge, or withdrawal of Federal recognition of reserve officers ceasing to occupy position of adjutant general or assistant adjutant general. See section 14314(b), (c) of this title.

Section 8392, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531; amended Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to

appointment of adjutant general or assistant adjutant general in reserve commissioned grade in which Federal recognition in Air National Guard was extended. See section 12215(b) of this title.

Section 8393, added Pub. L. 85-861, §1(178)(C), Sept. 2, 1958, 72 Stat. 1531, provided that sea or foreign service not to be required for promotion of reserve commissioned officers in reserve grades.

Section 8394, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, related to acceptance of promotion by officers of Air National Guard of United States or Air Force Reserve. See section 14309 of this title.

Section 8395, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, related to appointment of reserve officers in time of war. See section 14317(e) of this title.

Section 8396, added Pub. L. 96-513, title II, §206(b), Dec. 12, 1980, 94 Stat. 2884, provided that this chapter, except section 8353, did not apply to reserve officers on active-duty list.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

### CHAPTER 839—TEMPORARY APPOINTMENTS

Sec.

[8441 to 8445. Repealed.]

8446. Retention on active duty.

[8447 to 8452. Repealed.]

#### AMENDMENTS

1980—Pub. L. 96-513, title V, §504(12), Dec. 12, 1980, 94 Stat. 2917, struck out items 8441 “General rule”, 8442 “Commissioned officers; regular and reserve components: appointment in higher grade”, 8444 “Commissioned officers: during war or emergency”, 8445 “Officers: additional appointments during war or emergency”, 8447 “Appointments in commissioned grade: how made; how terminated”, 8448 “Warrant officers: grades; appointment”, 8449 “Warrant officers: promotion”, 8451 “Officers: acceptance of appointment in higher grade”, and 8452 “Medical and dental officers: temporary promotion to captain”.

1968—Pub. L. 90-235, §3(b)(6), Jan. 2, 1968, 81 Stat. 758, struck out item 8450 “Warrant officers: suspension of laws for promotion or mandatory retirement or separation during war or emergency”.

1958—Pub. L. 85-861, §1(180)(F), (G), Sept. 2, 1958, 72 Stat. 1532, struck out item 8443 “Commissioned officers; Reserves; appointment in higher or lower grade”, and added item 8452.

#### [§§ 8441, 8442. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]

Section 8441, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, provided that temporary appointments be made only in the Air Force without specification of component.

Section 8442, act Aug. 10, 1956, ch. 1041, 70A Stat. 521, provided that a regular commissioned officer, or a reserve commissioned officer who is serving on active duty, may be appointed, based upon ability and efficiency with regard being given to seniority and age, in a temporary grade that is equal to or higher than his regular or reserve grade, without vacating any other grade held by him. See section 601 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 8443. Repealed. Pub. L. 85-861, § 36B(25), Sept. 2, 1958, 72 Stat. 1571]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 522, related to grade of reserve commissioned officers ordered to active duty or serving on active duty.

**[§§ 8444, 8445. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]**

Section 8444, acts Aug. 10, 1956, ch. 1041, 70A Stat. 522; Sept. 2, 1958, Pub. L. 85-861, §1(180)(A), 72 Stat. 1532, authorized President, in time of war or national emergency, to appoint any qualified person, including a person who is not a Regular or Reserve, in any temporary grade, provided for vacation of the appointment, and permitted, for purposes of determining grade, position on a promotion list, seniority in temporary grade, and eligibility for promotion, a medical or dental officer of the Air Force who is appointed in a temporary grade to be credited, when he enters active duty, with the constructive service authorized by section 8294(b) of this title. See section 603 of this title.

Section 8445, acts Aug. 10, 1956, ch. 1041, 70A Stat. 522; Sept. 2, 1958, Pub. L. 85-861, §1(180)(B), 72 Stat. 1532, provided that in addition to temporary appointments authorized, in time of war or national emergency, a regular officer or a reserve warrant officer may be appointed in any temporary grade higher than his regular or reserve grade, without vacating that grade, or a person who holds no commissioned grade in Regular Air Force be appointed in any temporary commissioned grade. See section 603 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 8446. Retention on active duty**

The President may retain on active duty a disabled officer until—

(1) the physical condition of the officer is such that the officer will not be further benefited by retention in a military hospital or a medical facility of the Department of Veterans Affairs; or

(2) the officer is processed for physical disability benefits provided by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 522; Pub. L. 85-861, §1(180)(C), Sept. 2, 1958, 72 Stat. 1532; Pub. L. 101-189, div. A, title XVI, §1621(a)(10), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 102-25, title VII, §701(j)(6), Apr. 6, 1991, 105 Stat. 116.)

**HISTORICAL AND REVISION NOTES**  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8446 .....	10:499.	June 19, 1948, ch. 511, 62 Stat. 489.

The word “Shall” is substituted for the words “authorized and directed”. The words “on active duty” are substituted for the words “in service”. The words “warrant officers, and flight officers” are omitted, since the definition of “officer” in section 101(14) of this title covers commissioned, warrant, and flight officers. The words “who has only a temporary appointment” are substituted for the words “of the Air Force \* \* \* of the United States”. The words “his physical condition is such that he” are substituted for the words “their treatment for physical reconstruction has reached a point where they”. The words “in the Air Force” are substituted for the words “in the military service”.

**1958 ACT**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8446 .....	10 App.:499.	June 15, 1956, ch. 388, 70 Stat. 282.

The words “commissioned officers and warrant” are omitted as covered by the definition of the word “offi-

cer” in section 101(14) of this title. The words “condition is such that” are substituted for the words “reconstruction has reached a point where”.

**AMENDMENTS**

1991—Par. (2). Pub. L. 102-25 struck out “as” before “provided by law”.

1989—Pub. L. 101-189 amended section generally. Prior to amendment, section read as follows: “Notwithstanding any other provision of law, the President may retain on active duty any disabled officer until his physical condition is such that he will not be further benefited by retention in a military or Veterans’ Administration hospital or until he is processed for physical disability benefits provided by law.”

1958—Pub. L. 85-861 substituted “may retain on active duty any disabled officer” for “shall retain on active duty any disabled officer who has only a temporary appointment”, and “military or Veterans’ Administration hospital or until he is processed for physical disability benefits provided by law”, for “military hospital or in the Army”.

**[§ 8447. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 523; Sept. 2, 1958, Pub. L. 85-861, §1(180)(D), 72 Stat. 1532; Sept. 28, 1971, Pub. L. 92-129, title VI, §604, 85 Stat. 362, provided that temporary appointment of a person be made without reference to any other appointment that he may hold in the Air Force, temporary appointments of commissioned officers in the Regular Air Force be made by the President alone in grades below lieutenant colonel and by the President, by and with the consent of the Senate, in grades of lieutenant colonel and above, temporary appointments of commissioned officers in the reserve components of the Air Force be made by the President alone in grades below lieutenant colonel and by the President, by and with the consent of the Senate, in grades above major, and that the President may vacate at any time a temporary appointment in a commissioned grade. See section 601 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[§§ 8448, 8449. Repealed. Pub. L. 96-513, title II, § 208, Dec. 12, 1980, 94 Stat. 2884]**

Section 8448, acts Aug. 10, 1956, ch. 1041, 70A Stat. 523; Aug. 8, 1958, Pub. L. 85-603, §1(4), 72 Stat. 526; Sept. 2, 1958, Pub. L. 85-861, §33(a)(39), 72 Stat. 1566, authorized Secretary of the Air Force, upon his determination of need, to appoint qualified persons as warrant officers, with such appointments to continue at pleasure of Secretary, and such warrant officers entitled to count all periods of active duty under appointment as warrant or enlisted service for all purposes and to benefits of all laws and regulations applicable to retirement, pensions, and disability of members of Air Force on active duty. See section 602 of this title.

Section 8449, act Aug. 10, 1956, ch. 1041, 70A Stat. 523, provided that temporary promotions in warrant officer grades be governed by such regulations as the Secretary of the Air Force prescribe. See section 602 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[§ 8450. Repealed. Pub. L. 90-235, § 3(b)(1), Jan. 2, 1968, 81 Stat. 758]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 523, provided for suspension of laws for promotion or manda-

tory retirement or separation during war or emergency of temporary warrant officers of Air Force.

**[§§ 8451, 8452. Repealed. Pub. L. 96-513, title II, § 207, Dec. 12, 1980, 94 Stat. 2884]**

Section 8451, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, provided that an officer who is promoted to a temporary grade is considered to have accepted his promotion on date of order announcing it, unless he expressly declines promotion.

Section 8452, added Pub. L. 85-861, §1(180)(E), Sept. 2, 1958, 72 Stat. 1532, provided that, notwithstanding any other provision of law, a medical or dental officer may be promoted to temporary grade of captain at any time after first anniversary of date upon which he graduated from a medical, osteopathic, or dental school.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**CHAPTER 841—ACTIVE DUTY**

Sec.  
8491. Non-regular officers: status.  
[8492 to 8502. Repealed.]  
8503. Retired commissioned officers: status.  
[8504. Repealed.]

**AMENDMENTS**

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(4), Oct. 5, 1994, 108 Stat. 3016, struck out items 8495 “Air National Guard of United States: status”, 8496 “Air National Guard of United States: commissioned officers; duty in National Guard Bureau”, 8497 “Air National Guard of United States: members; status in which ordered into Federal service”, 8498 “Air National Guard of United States: mobilization; maintenance of organization”, 8499 “Air National Guard in Federal service: status”, 8500 “Air National Guard in Federal service: call”, 8501 “Air National Guard in Federal service: period of service; apportionment”, and 8502 “Air National Guard in Federal service: physical examination”.

1980—Pub. L. 96-513, title V, §504(13), Dec. 12, 1980, 94 Stat. 2917, struck out items 8494 “Commissioned officers: grade in which ordered to active duty” and 8504 “Retired commissioned officers: status”.

1968—Pub. L. 90-235, §1(a)(4), Jan. 2, 1968, 81 Stat. 753, struck out item 8492 “Members: service extension during war”.

1967—Pub. L. 90-130, §1(29)(B), Nov. 8, 1967, 81 Stat. 382, struck out “; limitations; grade” after “Retired members” in item 8504.

1958—Pub. L. 85-861, §1(181)(B), Sept. 2, 1958, 72 Stat. 1533, added item 8494.

**§ 8491. Non-regular officers: status**

A commissioned officer of the Air Force, other than of the Regular Air Force, who is on active duty in any commissioned grade has the rights and privileges, and is entitled to the benefits, provided by law for a commissioned officer of the Air Force Reserve—

- (1) whose reserve grade is that in which the officer not of the Regular Air Force is serving;
- (2) who has the same length of service as the officer not of the Regular Air Force; and
- (3) who is on active duty in his reserve grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 524.)

**HISTORICAL AND REVISION NOTES**

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8491 .....	10:506d(h).	Aug. 7, 1947, ch. 512, §515(h), 61 Stat. 908.

The first 12 words are substituted for 10:506d(h) (1st 11 words). The words “has the rights and privileges, and is entitled to the benefits” are substituted for the words “shall be entitled \* \* \* to the same rights, privileges, and benefits”. Clause (1) is substituted for the words “in a grade the same as such ‘active-duty grade’”. The words “as the officer not of the Regular Air Force” are substituted for the words “holding appointment in the Army Reserve”. The words “his reserve grade” are substituted for the words “the grade held in the Army”.

**[§ 8492. Repealed. Pub. L. 90-235, § 1(a)(2), Jan. 2, 1968, 81 Stat. 753]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, provided for extension of active service of Air Force members during war. See section 671a of this title.

**[§ 8494. Repealed. Pub. L. 96-513, title II, § 209(a), Dec. 12, 1980, 94 Stat. 2884]**

Section, added Pub. L. 85-861, §1(181)(A), Sept. 2, 1958, 72 Stat. 1532; amended Pub. L. 86-559, §1(63), June 30, 1960, 74 Stat. 278, provided that a reserve commissioned officer who is ordered to active duty be ordered to that duty in his reserve grade unless the Secretary of the Air Force orders him to active duty, other than for training, in a higher temporary grade and authorized a reserve commissioned officer who is selected for participation in a program under which he will be ordered to active duty for at least one academic year at a civilian school or college to be ordered, upon his request, to that duty in a temporary grade that is lower than his reserve grade, without affecting his reserve grade. See section 12320 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[§§ 8495 to 8502. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(f)(2), Oct. 5, 1994, 108 Stat. 2994]**

Section 8495, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, provided that members of Air National Guard of United States were not in active Federal service except when ordered thereto under law. See section 12401 of this title.

Section 8496, act Aug. 10, 1956, ch. 1041, 70A Stat. 524, authorized President to order commissioned officers of Air National Guard of United States to active duty in National Guard Bureau. See section 12402(a), (b)(2) of this title.

Section 8497, act Aug. 10, 1956, ch. 1041, 70A Stat. 525, provided that members of Air National Guard of United States ordered to active duty were to be ordered to duty as Reserves of Air Force. See section 12403 of this title.

Section 8498, act Aug. 10, 1956, ch. 1041, 70A Stat. 525, related to organization during initial mobilization of units of Air National Guard of United States ordered into active Federal service. See section 12404 of this title.

Section 8499, act Aug. 10, 1956, ch. 1041, 70A Stat. 525, related to application of laws governing Air Force to members of Air National Guard called into Federal service. See section 12405 of this title.

Section 8500, acts Aug. 10, 1956, ch. 1041, 70A Stat. 525; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, authorized President to call Air National Guard units and members into Federal service. See section 12406 of this title.

Section 8501, acts Aug. 10, 1956, ch. 1041, 70A Stat. 525; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1234(a)(1), 102 Stat. 2059, related to period of service and apportionment of members and units of Air National Guard called into Federal service. See section 12407 of this title.

Section 8502, act Aug. 10, 1956, ch. 1041, 70A Stat. 526, related to physical examinations of members of Air National Guard called into or mustered out of Federal service. See section 12408 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### § 8503. Retired commissioned officers: status

A retired commissioned officer of the Air Force who is on active duty is considered, for all purposes except promotion, to be an officer of the organization to which he is assigned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 526.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8503 .....	10:999.	July 9, 1918, ch. 143, subch. XX (2d par.), 40 Stat. 893.

The words “and shall be an extra number therein” are omitted, since, in the opinion of the Judge Advocate General of the Army (JAG 210.85, Feb. 21, 1923), they were repealed by the Act of July 31, 1935, ch. 422, 49 Stat. 505. The words “in the discretion of the President, employed \* \* \* assigned to duty” are omitted as surplusage. The words “arms, corps, department” are omitted, since the Air Force does not have organic corps created by statute.

#### [§ 8504. Repealed. Pub. L. 96-513, title II, § 210, Dec. 12, 1980, 94 Stat. 2884]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 526; Nov. 8, 1967, Pub. L. 90-130, § 1(29), 81 Stat. 382, authorized President to order any retired member of Regular Air Force to active duty and assign him duties considered necessary in interests of national defense. See section 688 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

### CHAPTER 843—SPECIAL APPOINTMENTS, ASSIGNMENTS, DETAILS, AND DUTIES

Sec.

[8531 to 8542. Repealed.]

8543. Aides: detail; number authorized.

[8544 to 8546. Repealed.]

8547. Duties: chaplains; assistance required of commanding officers.

8548. Duties: warrant officers; limitations.

[8549. Repealed.]

#### AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, § 1674(b)(5), Oct. 5, 1994, 108 Stat. 3016, struck out items 8541 “National Guard Bureau: assignment of officers of regular or reserve components” and 8542 “Chief and assistant chief of staff of wings of Air National Guard in Federal service: detail”.

1991—Pub. L. 102-190, div. A, title V, § 531(a)(2), Dec. 5, 1991, 105 Stat. 1365, struck out item 8549 “Duties: female members; limitations”.

1980—Pub. L. 96-513, title V, § 504(14), Dec. 12, 1980, 94 Stat. 2917, struck out item 8531 “Chief of Staff to President: appointment”.

1968—Pub. L. 90-235, § 4(a)(11), (b)(4), Jan. 2, 1968, 81 Stat. 760, struck out item 8537 “Department of Commerce: detail in aid of civil aviation”, item 8544 “Du-

ties: regular officers; performance of civil functions restricted”, and item 8545 “Duties: officers; superintendence of cooking for enlisted members”.

1964—Pub. L. 88-647, title III, § 301(24), Oct. 13, 1964, 78 Stat. 1073, struck out item 8540 “Educational institutions: detail of members of regular or reserve components as professors and instructors in air science and tactics”.

1958—Pub. L. 85-861, § 1(182), Sept. 2, 1958, 72 Stat. 1533, struck out item 8546 “Duties: medical officers, contract surgeons; attendance on families of members”.

#### [§ 8531. Repealed. Pub. L. 96-513, title II, § 233(b), Dec. 12, 1980, 94 Stat. 2887]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 526, authorized President, by and with consent of Senate, to appoint a general officer of Air Force as Chief of Staff to President, which officer, unless entitled to rank, pay, and allowances of a grade above lieutenant general under another provision of law, is entitled to rank, pay, and allowances of a general, and is in addition to number otherwise authorized for that grade.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 8537. Repealed. Pub. L. 90-235, § 4(b)(1), Jan. 2, 1968, 81 Stat. 760]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 526, provided for detail of Air Force officers to duty under Secretary of Commerce in connection with promotion of civil aviation.

#### [§ 8540. Repealed. Pub. L. 88-647, title III, § 301(23), Oct. 13, 1964, 78 Stat. 1073]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, related to detail of members of regular or reserve components as professors and instructors in air science and tactics. See section 2111 of this title.

#### [§§ 8541, 8542. Repealed. Pub. L. 103-337, div. A, title XVI, §§ 1661(c)(2), 1662(g)(2), Oct. 5, 1994, 108 Stat. 2982, 2996]

Section 8541, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, authorized President to assign regular and reserve Air Force officers to National Guard Bureau. See section 10507 of this title.

Section 8542, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, authorized President to detail certain officers as chief and assistant chief of staff of wings of Air National Guard in Federal service. See section 12502(b) of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### § 8543. Aides: detail; number authorized

(a) Each major general of the Air Force is entitled to three aides selected by him from commissioned officers of the Air Force in any grade below major.

(b) Each brigadier general of the Air Force is entitled to two aides selected by him from commissioned officers of the Air Force in any grade below captain.

(Aug. 10, 1956, ch. 1041, 70A Stat. 527.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8543(a) .....	10:498 (1st 20 words).	R.S. 1098.

## HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8543(b) .....	10:498 (less 1st 20 words).	

In subsection (a), the words “commissioned officers \* \* \* in any grade below major” are substituted for the words “captains or lieutenants”.

In subsections (a) and (b), the words “is entitled to” are substituted for the words “shall have”.

In subsection (b), the words “commissioned officers in any grade below captain” are substituted for the word “lieutenants”.

**[§§ 8544, 8545. Repealed. Pub. L. 90–235, § 4(a)(6), (b)(1), Jan. 2, 1968, 81 Stat. 759, 760]**

Section 8544, act Aug. 10, 1956, ch. 1041, 70A Stat. 527, restricted performance of civil functions by commissioned officers of Regular Air Force. See section 973 of this title.

Section 8545, act Aug. 10, 1956, ch. 1041, 70A Stat. 528, provided that cooking for enlisted members of Air Force should be superintended by officers of organizations to which members belonged.

**[§ 8546. Repealed. Pub. L. 85–861, § 36B(26), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 528, required medical officers and contract surgeons to attend families of members of Air Force.

**§ 8547. Duties: chaplains; assistance required of commanding officers**

(a) Each chaplain shall, when practicable, hold appropriate religious services at least once on each Sunday for the command to which he is assigned, and shall perform appropriate religious burial services for members of the Air Force who die while in that command.

(b) Each commanding officer shall furnish facilities, including necessary transportation, to any chaplain assigned to his command, to assist the chaplain in performing his duties.

(Aug. 10, 1956, ch. 1041, 70A Stat. 528.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8547(a) .....	10:238.	R.S. 1125.
8547(b) .....	10:239. [Uncodified: Feb. 2, 1901, ch. 192, § 12 (last sentence), 31 Stat. 750].	R.S. 1127. Feb. 2, 1901, ch. 192, § 12 (last sentence), 31 Stat. 750.

In subsection (a), the words “members of the Air Force” are substituted for the words “officers and soldiers”.

In subsection (b), the words “regiments, hospitals, and posts”, in 10:239, are omitted, since at the time of the enactment of section 1127 of the Revised Statutes, chaplains were authorized only for regiments, hospitals, and posts. The revised section preserves the broad coverage of the original statute. The words “each commanding officer shall” are substituted for the words “It shall be the duty of commanders”, in 10:239. The word “furnish” is substituted for the words “to afford”, in 10:239. The words “including necessary transportation” are substituted for the last sentence of section 12 of the Act of February 2, 1901, ch. 192, 31 Stat. 750. The words “his command” are substituted for the words “the same”, in 10:239. The words “to assist” are substituted for the words “as may aid them”, in 10:239.

**§ 8548. Duties: warrant officers; limitations**

Under regulations prescribed by the President, a warrant officer may be assigned to perform du-

ties that necessarily include those normally performed by a commissioned officer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 528.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8548 .....	10:593 (1st sentence).	Aug. 21, 1941, ch. 384, § 4 (1st sentence), 55 Stat. 653.

10:593 (1st sentence, less provisos) is omitted as superseded by section 8012(e) of this title. 10:593 (last proviso) is omitted as covered by section 936(a)(4) of this title (article 136(a)(4) of the Uniform Code of Military Justice). The words “may be assigned” are substituted for the words “shall be vested with power to”.

**[§ 8549. Repealed. Pub. L. 102–190, div. A, title V, § 531(a)(1), Dec. 5, 1991, 105 Stat. 1365]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 528, prohibited assignment of female members, except those designated under section 8067, to duty in aircraft engaged in combat missions.

## CHAPTER 845—RANK AND COMMAND

Sec.	
[8571.]	Repealed.]
8572.	Rank: commissioned officers serving under temporary appointments.
[8573, 8574. Repealed.]	
8575.	Rank: warrant officers.
[8576 to 8578. Repealed.]	
8579.	Command: commissioned officers in certain designated categories.
[8580.]	Repealed.]
8581.	Command: chaplains.
[8582.]	Repealed.]
8583.	Requirement of exemplary conduct.

## AMENDMENTS

1997—Pub. L. 105–85, div. A, title V, § 507(b)(2), Nov. 18, 1997, 111 Stat. 1727, added item 8583.

1980—Pub. L. 96–513, title V, § 504(15), Dec. 12, 1980, 94 Stat. 2917, struck out items 8571 “Rank: commissioned officers on active duty”, 8573 “Rank: commissioned officers in regular grades of brigadier general and major general; seniority list”, 8574 “Rank: commissioned officers in regular grades below brigadier general”, and 8582 “Command: retired officers”.

1974—Pub. L. 93–525, Dec. 18, 1974, 88 Stat. 1695, struck out item 8577 “Command: flying units”.

1968—Pub. L. 90–235, § 5(a)(5), Jan. 2, 1968, 81 Stat. 761, struck out items 8576 “Command: when different commands of Air Force and Marine Corps join”, and 8578 “Command, commissioned officers of Air Force in same grade on duty at same place”.

1967—Pub. L. 90–130, § 1(30), Nov. 8, 1967, 81 Stat. 382, struck out item 8580 “Command: female members of Air Force”.

**[§ 8571. Repealed. Pub. L. 96–513, title II, § 211, Dec. 12, 1980, 94 Stat. 2885]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 528; Sept. 2, 1958, Pub. L. 85–861, §§ 1(183), 33(a)(41), 72 Stat. 1533, 1566; June 30, 1960, Pub. L. 86–559, § 1(64), 74 Stat. 278, provided that commissioned officers of Air Force on active duty in same grade rank themselves according to date of rank and specified procedures for determining date of rank. See section 741 of this title.

## EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.



**§ 8572. Rank: commissioned officers serving under temporary appointments**

The President may, in accordance with the needs of the Air Force, adjust dates of rank of commissioned officers of the Air Force serving in temporary grades.

(Aug. 10, 1956, ch. 1041, 70A Stat. 529.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8572 .....	10:506d(c) (last sentence).	Aug. 7, 1947, ch. 512, § 515(c) (last sentence), 61 Stat. 907.

The word “commissioned” is inserted for clarity, since the source statute related only to commissioned officers. The words “in his discretion, from time to time” are omitted as surplusage.

**[§§ 8573, 8574. Repealed. Pub. L. 96-513, title II, § 211, Dec. 12, 1980, 94 Stat. 2885]**

Section 8573, act Aug. 10, 1956, ch. 1041, 70A Stat. 529, specified date of rank of an officer whose regular grade is brigadier general and date of rank of an officer whose regular grade is major general and provided that names of general officers of Regular Air Force be carried on a seniority list in order of seniority in both regular grade and date of rank. See section 741 of this title.

Section 8574, acts Aug. 10, 1956, ch. 1041, 70A Stat. 530; Sept. 2, 1958, Pub. L. 85-861, §§ 1(184), 33(a)(24), 72 Stat. 1533, 1565, provided for determination of rank of commissioned officers of same grade in Regular Air Force who are on same promotion list, rank of commissioned officers of same grade in Regular Air Force who are not on same promotion list or not on a promotion list, and rank among graduates of each class at United States Military, Naval, or Air Force Academies who, upon graduation, are appointed to Regular Air Force. See section 741 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 8575. Rank: warrant officers**

Warrant officers rank next below second lieutenants and rank among themselves within each warrant officer grade under regulations to be prescribed by the Secretary of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 530.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8575 .....	10:593 (less 1st sentence).	Aug. 21, 1941, ch. 384, § 4 (less 1st sentence), 55 Stat. 653; May 29, 1954, ch. 249, § 19(e), 68 Stat. 167.

10:593 (2d sentence) is omitted as executed. The words “within each warrant officer grade” are inserted for clarity, since section 745 of this title covers rank between warrant officers in different warrant officer grades. The words “they shall take precedence” are omitted as surplusage.

**[§ 8576. Repealed. Pub. L. 90-235, § 5(a)(2), Jan. 2, 1968, 81 Stat. 761]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 530, provided for command when different commands of Air Force and Marine Corps joined or served together. See section 747 of this title.

**[§ 8577. Repealed. Pub. L. 93-525, Dec. 18, 1974, 88 Stat. 1695]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 530, provided for the command of flying units by commissioned officers of Air Force who had received aeronautical ratings as pilots of service types of aircraft.

**[§ 8578. Repealed. Pub. L. 90-235, § 5(a)(2), Jan. 2, 1968, 81 Stat. 761]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 530, provided for command when two or more commissioned officers of Air Force in same grade were on duty at same place. See section 749 of this title.

**§ 8579. Command: commissioned officers in certain designated categories**

An officer designated as a medical, dental, veterinary, medical service, or biomedical sciences officer or as a nurse is not entitled to exercise command because of rank, except within the categories prescribed in subsection (a), (b), (c), (d), (e), (f), or (i) of section 8067 of this title, or over persons placed under his charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 531; Pub. L. 85-861, § 1(156), (185), Sept. 2, 1958, 72 Stat. 1513, 1533; Pub. L. 96-513, title II, § 212(b), Dec. 12, 1980, 94 Stat. 2885.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8579(a) .....	10:82.	R.S. 1169.
8579(b) .....	10:166e (less 1st sentence).	Apr. 16, 1947, ch. 38, § 106 (less 1st sentence), 61 Stat. 44.

In subsection (a), the words “Except as provided in section 94 of this title”, not contained in section 1169 of the Revised Statutes, but contained in the United States Code, are omitted as surplusage, since 10:94 deals exclusively with assignments. The words “except within the categories prescribed in section 8067(a)–(d) of this title” are substituted for the words “in the line or in other staff corps”. Air Force nurses and women medical specialists are not covered by subsection (a), since their command authority is specifically stated in subsection (b).

In subsection (b), the words “may exercise command only” are substituted for the words “shall not be entitled \* \* \* to command except”. The words “by virtue of their rank” and “by competent authority” are omitted as surplusage. 10:166(e) (last 22 words of last sentence) is omitted as superseded by section 8012(e) of this title.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8579(b) .....	10 App.:166b-3.	Aug. 9, 1955, ch. 654, § 1, 69 Stat. 579.

This amendment reflects the authority contained in section 8067(e) and (f) of this title to appoint male reserve officers with a view to designation as Air Force nurses or medical specialists.

AMENDMENTS

1980—Pub. L. 96-513 substituted provision prohibiting an officer designated as a medical, dental, veterinary, medical service, or biomedical sciences officer or as a nurse from exercising command because of rank, except within the categories prescribed in section 8067(a) to (f) or (i) of this title, or over persons placed under his charge for provision prohibiting an officer designated

as a medical, dental, veterinary, or medical service officer from exercising command because of rank, except within categories prescribed in section 8067(a) to (d) of this title, and authorizing an Air Force nurse or medical specialist to exercise command only within his category, or over persons placed under his charge.

1958—Subsec. (b). Pub. L. 85-861 struck out “woman” before “medical specialist”, and substituted “his” for “her” in two places.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### [§ 8580. Repealed. Pub. L. 90-130, § 1(30), Nov. 8, 1967, 81 Stat. 382]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 531, provided that Secretary of Air Force should prescribe military authority that female members of Air Force, except those designated under section 8067 of this title to perform professional functions, might exercise.

#### § 8581. Command: chaplains

An officer designated as a chaplain has rank without command.

(Aug. 10, 1956, ch. 1041, 70A Stat. 531.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8581 .....	10:235.	R.S. 1122.

The words “and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions” are omitted as obsolete, since there is no distinction between the status of a chaplain as an officer and the status of other officers of the Air Force.

#### [§ 8582. Repealed. Pub. L. 96-513, title II, § 211, Dec. 12, 1980, 94 Stat. 2885]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 531, provided that a retired officer has no right to command except when on active duty. See section 750 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### § 8583. Requirement of exemplary conduct

All commanding officers and others in authority in the Air Force are required—

(1) to show in themselves a good example of virtue, honor, patriotism, and subordination;

(2) to be vigilant in inspecting the conduct of all persons who are placed under their command;

(3) to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Air Force, all persons who are guilty of them; and

(4) to take all necessary and proper measures, under the laws, regulations, and customs of the Air Force, to promote and safeguard the morale, the physical well-being, and the general welfare of the officers and enlisted persons under their command or charge.

(Added Pub. L. 105-85, div. A, title V, § 507(b)(1), Nov. 18, 1997, 111 Stat. 1727.)

#### [CHAPTER 847—REPEALED]

#### [§§ 8611, 8612. Repealed. Pub. L. 90-235, § 8(2), Jan. 2, 1968, 81 Stat. 764]

Section 8611, act Aug. 10, 1956, ch. 1041, 70A Stat. 531, provided that President could prescribe uniform of Air Force.

Section 8612, act Aug. 10, 1956, ch. 1041, 70A Stat. 531, provided for disposition of uniforms of enlisted members of Air Force who were discharged and for disposition of uniforms of and issuance of civilian clothing to enlisted members of Air Force who were discharged otherwise than honorably.

#### CHAPTER 849—MISCELLANEOUS PROHIBITIONS AND PENALTIES

Sec.

[8631 to 8638. Repealed.]

8639. Enlisted members: officers not to use as servants.

#### AMENDMENTS

2008—Pub. L. 110-181, div. A, title V, § 590(b)(2)(C), Jan. 28, 2008, 122 Stat. 138, struck out item 8634 “Air Force band: may not be paid for performance outside air base”.

1980—Pub. L. 96-513, title V, § 514(4), Dec. 12, 1980, 94 Stat. 2935, struck out items 8632 “Members of Air Force: forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs”, 8633 “Commissioned officers: forfeiture of pay when dropped from rolls”, and 8636 “Enlisted members: pay and allowances not to accrue during suspended sentence of dishonorable discharge”.

1968—Pub. L. 90-235, §§ 6(a)(10), 7(b)(5), Jan. 2, 1968, 81 Stat. 762, 763, struck out items 8631 “Dealing in quartermaster supplies prohibited”, 8635 “Enlisted members: restriction on civilian employment”, and 8637 “Enlisted members: forfeiture of right to pension by deserters”.

1958—Pub. L. 85-861, §§ 1(186), 33(a)(40), Sept. 2, 1958, 72 Stat. 1533, 1566, substituted “8632” for “8362” in item 8632, and struck out item 8638 “Enlisted members: required to make up time lost”.

#### [§ 8631. Repealed. Pub. L. 90-235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 532, prohibited any officer of Air Force who was engaged in procurement or sale of quartermaster supplies from dealing in said supplies.

#### [§§ 8632, 8633. Repealed. Pub. L. 87-649, § 14c(54), (55), Sept. 7, 1962, 76 Stat. 501, 502]

Sections, act Aug. 10, 1946, ch. 1041, 70A Stat. 532, provided for forfeiture of pay during absence from duty due to disease from intemperate use of alcohol or drugs, and for forfeiture when dropped from rolls. See sections 802 and 803 of Title 37, Pay and Allowances of the Uniformed Services.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### [§ 8634. Repealed. Pub. L. 110-181, div. A, title V, § 590(b)(1), Jan. 28, 2008, 122 Stat. 138]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 532; Pub. L. 101-510, div. A, title III, § 327(c), Nov. 5, 1990, 104 Stat. 1532, generally prohibited Air Force band from being paid for performance outside air base. See section 974 of this title.

**[§ 8635. Repealed. Pub. L. 90-235, § 6(a)(7), Jan. 2, 1968, 81 Stat. 762]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 532, set forth restrictions on civilian employment for enlisted members of Air Force on active duty.

**[§ 8636. Repealed. Pub. L. 87-649, § 14c(56), Sept. 7, 1962, 76 Stat. 502]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 533, provided that pay and allowances do not accrue to an enlisted member of Air Force who is in confinement under sentence of dishonorable discharge, while execution of sentence to discharge is suspended. See section 858b of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

**[§ 8637. Repealed. Pub. L. 90-235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 533, provided that an enlisted member of Air Force who deserted forfeited all rights to a pension.

**[§ 8638. Repealed. Pub. L. 85-861, § 36B(27), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 533, required enlisted members to make up time lost. See section 972(a) of this title.

**§ 8639. Enlisted members: officers not to use as servants**

No officer of the Air Force may use an enlisted member of the Air Force as a servant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 533.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8639 .....	10-608.	R.S. 1232.

The words “in any case whatever” are omitted as surplusage.

**[CHAPTER 851—REPEALED]**

**[§§ 8662, 8663. Repealed. Pub. L. 90-377, § 6(3), July 5, 1968, 82 Stat. 288]**

Section 8662, act Aug. 10, 1956, ch. 1041, 70A Stat. 533, provided for military training, organization, and equipping of prisoners who have been sent to United States Disciplinary Barracks.

Section 8663, act Aug. 10, 1956, ch. 1041, 70A Stat. 533, authorized Secretary of Air Force to parole or remit sentence and restore to duty offenders who are confined in the United States Disciplinary Barracks.

**CHAPTER 853—MISCELLANEOUS RIGHTS AND BENEFITS**

Sec.

8681. Presentation of United States flag upon retirement.

[8682, 8683. Repealed.]

8684. Service credit: regular enlisted members; service as an officer to be counted as enlisted service.

[8685 to 8690. Repealed.]

8691. Flying officer rating: qualifications.

[8692, 8693. Repealed.]

Sec.

**AMENDMENTS**

1998—Pub. L. 105-261, div. A, title VI, § 644(c)(2), Oct. 17, 1998, 112 Stat. 2049, added item 8681.

1994—Pub. L. 103-337, div. A, title XVI, § 1674(b)(6), Oct. 5, 1994, 108 Stat. 3016, struck out item 8686 “Members of Air National Guard of United States: credit for service as members of Air National Guard”.

1986—Pub. L. 99-661, div. A, title VI, § 604(f)(1)(B)(iv), Nov. 14, 1986, 100 Stat. 3877, struck out item 8687 “Compensation: members of Air Force other than of regular Air Force; when same as that provided for members of Regular Air Force”.

1985—Pub. L. 99-145, title XIII, § 1301(d)(1)(B), Nov. 8, 1985, 99 Stat. 736, struck out item 8683 “Service credit: certain service as a nurse, woman medical specialist, or civilian employee of Army Medical Department to be counted”.

1980—Pub. L. 96-513, title V, § 514(5), Dec. 12, 1980, 94 Stat. 2935, struck out item 8689 “Assignments and allotments of pay”.

1971—Pub. L. 92-168, § 3(2), Nov. 24, 1971, 85 Stat. 489, struck out item 8692 “Pilot rating in time of peace: qualifications”.

1968—Pub. L. 90-235, §§ 6(a)(5), 7(a)(6), (b)(6), Jan. 2, 1968, 81 Stat. 762, 763, struck out items 8682 “Service credit: officers; service as cadet not counted”, 8685 “Regular Air Force; Air Force Reserve: female members; definition of ‘dependents’”, 8690 “Exemption from arrest for debt: enlisted members”, and 8693 “Replacement of certificates of discharge”.

1958—Pub. L. 85-861, § 1(189), Sept. 2, 1958, 72 Stat. 1534, struck out items 8681 “Air Force Register: Regular Air Force officers; service to be listed” and 8688 “Death gratuity”.

**§ 8681. Presentation of United States flag upon retirement**

(a) **PRESENTATION OF FLAG.**—Upon the release of a member of the Air Force from active duty for retirement, the Secretary of the Air Force shall present a United States flag to the member.

(b) **MULTIPLE PRESENTATIONS NOT AUTHORIZED.**—A member is not eligible for a presentation of a flag under subsection (a) if the member has previously been presented a flag under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.

(c) **NO COST TO RECIPIENT.**—The presentation of a flag under this section shall be at no cost to the recipient.

(Added Pub. L. 105-261, div. A, title VI, § 644(c)(1), Oct. 17, 1998, 112 Stat. 2049; amended Pub. L. 106-65, div. A, title VI, § 652(e), Oct. 5, 1999, 113 Stat. 666.)

**PRIOR PROVISIONS**

A prior section 8681, act Aug. 10, 1956, ch. 1041, 70A Stat. 534, prescribed service to be listed in official Air Force Register, prior to repeal by Pub. L. 85-861, § 36B(28), Sept. 2, 1958, 72 Stat. 1571.

**AMENDMENTS**

1999—Subsec. (b). Pub. L. 106-65 substituted “under this section or any other provision of law providing for the presentation of a United States flag incident to release from active service for retirement.” for “under this section or section 3681 or 6141 of this title or section 516 of title 14.”

**EFFECTIVE DATE**

Section applicable with respect to releases from active duty described in this section, sections 3681 and

6141 of this title, and section 516 of Title 14, Coast Guard, on or after Oct. 1, 1998, see section 644(e) of Pub. L. 105-261, set out as a note under section 3681 of this title.

**[§ 8682. Repealed. Pub. L. 90-235, § 6(a)(2), Jan. 2, 1968, 81 Stat. 761]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 535, provided that in computing length of service, no commissioned officer of Air Force could be credited with service as a cadet at the Military Academy or the Air Force Academy, or as a midshipman at the Naval Academy, if he was appointed as a cadet or midshipman after Aug. 24, 1912. See section 971 of this title.

**[§ 8683. Repealed. Pub. L. 99-145, title XIII, § 1301(d)(1)(A), Nov. 8, 1985, 99 Stat. 736]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 535; Sept. 2, 1958, Pub. L. 85-861, §1(156), 72 Stat. 1513; Aug. 25, 1959, Pub. L. 86-197, §1(7), 73 Stat. 426, related to service credit for certain service as a nurse, woman medical specialist, or civilian employee of Army Medical Department.

**PERSON PERFORMING ACTIVE SERVICE ON DAY BEFORE REPEAL OF SECTION**

Section 1301(d)(1)(C) of Pub. L. 99-145 provided that: "The repeal made by subparagraph (A) [repealing this section] shall not apply in the case of a person who performed active service described in section 8683 of title 10, United States Code, as such section was in effect on the day before the date of the enactment of this Act [Nov. 8, 1985]."

**§ 8684. Service credit: regular enlisted members; service as an officer to be counted as enlisted service**

An enlisted member of the Regular Air Force is entitled to count active service as an officer in the Air Force, and in the Army, as enlisted service for all purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 535.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8684 .....	10:631a (last proviso).	July 14, 1939, ch. 267, §1 (last proviso); restated May 29, 1954, ch. 249, §19(b) (last proviso), 68 Stat. 166.

**[§ 8685. Repealed. Pub. L. 90-235, § 7(a)(3), Jan. 2, 1968, 81 Stat. 763]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 535; Sept. 2, 1958, Pub. L. 85-861, §1(187), 72 Stat. 1534, set forth restrictions on consideration of a husband or child as dependent of a female member of Regular Air Force, Air National Guard of the United States or Air Force Reserve.

**[§ 8686. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(g)(2), Oct. 5, 1994, 108 Stat. 2996]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 536; Sept. 24, 1980, Pub. L. 96-357, §5(a), 94 Stat. 1182; Oct. 19, 1984, Pub. L. 98-525, title IV, § 414(a)(7)(B), 98 Stat. 2519, related to credit to members of Air National Guard of United States for service as members of Air National Guard. See section 12602 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**[§ 8687. Repealed. Pub. L. 99-661, div. A, title VI, § 604(f)(1)(A), Nov. 14, 1986, 100 Stat. 3877]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 536; Sept. 2, 1958, Pub. L. 85-861, §1(188), 72 Stat. 1534; Sept. 7, 1962, Pub. L. 87-649, §6(d), 76 Stat. 494, related to compensation for members of Air Force other than Regular Air Force.

**EFFECTIVE DATE OF REPEAL**

Repeal applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99-661, set out as an Effective Date of 1986 Amendment note under section 1074a of this title.

**[§ 8688. Repealed. Pub. L. 85-861, § 36B(29), Sept. 2, 1958, 72 Stat. 1571]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 536, related to death gratuity payable to survivors of members of Air Force. See sections 1475 to 1480 of this title.

**[§ 8689. Repealed. Pub. L. 87-649, § 14c(57), Sept. 7, 1962, 76 Stat. 502]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 537; Sept. 26, 1961, Pub. L. 87-304, §9(d), 75 Stat. 665, related to assignments and allotments of pay. See section 701 of Title 37, Pay and Allowances of the Uniformed Services.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as an Effective Date note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

**[§ 8690. Repealed. Pub. L. 90-235, § 7(b)(1), Jan. 2, 1968, 81 Stat. 763]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 538, exempted enlisted members of Air Force, while on active duty, from arrest for any debt, unless it was contracted before enlistment and amounted to at least \$20 when first contracted.

**§ 8691. Flying officer rating: qualifications**

Only officers of the Air Force in the following categories may be rated as flying officers:

- (1) Officers who have aeronautical ratings as pilots of service types of aircraft or as aircraft observers.
- (2) Flight surgeons.
- (3) Officers undergoing flight training.
- (4) Officers who are members of combat crews, other than pilots of service types of aircraft, aircraft observers, and observers.
- (5) In time of war, officers who have aeronautical ratings as observers.

(Aug. 10, 1956, ch. 1041, 70A Stat. 538.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8691 .....	10:291c. 10:291c-1. 10:291e.	June 3, 1916, ch. 134, §13a (8th, 9th, and 11th provisos); added July 2, 1926, ch. 721, §2 (4th sentence, less 2d proviso), 44 Stat. 781; June 16, 1936, ch. 587, §3, 49 Stat. 1524; Oct. 4, 1940, ch. 742 (last proviso), 54 Stat. 963. June 24, 1948, ch. 632 (2d proviso under "Finance Department"), 62 Stat. 650.

10:291c (proviso) and the words “after June 30, 1948”, in 10:291c–1, are omitted as executed. The definition of the term “flying officer”, in 10:291c, originally was a definition of the term “flying officer in time of peace” as provided by section 2 of the Act of July 2, 1926, ch. 721, 44 Stat. 781. Section 1 of the Act of October 4, 1940, ch. 742, 54 Stat. 963, eliminated the words “in time of peace”. As a consequence of that amendment, 10:291e (1st 26 words) is omitted as surplusage. Clause (2) is substituted for 10:291c–1 (less last 10 words). The words “commissioned officers or warrant”, in 10:291c–1, are omitted as surplusage. In clause (4), the last 19 words are substituted for the words “any other”.

**[§ 8692. Repealed. Pub. L. 92–168, § 3(1), Nov. 24, 1971, 85 Stat. 489]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 538, provided qualifications to receive a rating of pilot in time of peace. See section 2003 of this title.

**[§ 8693. Repealed Pub. L. 90–235, § 7(a)(3), Jan. 2, 1968, 81 Stat. 763]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 538, provided for replacement of a lost or destroyed certificate of discharge from Air Force. See section 1040 of this title.

## CHAPTER 855—HOSPITALIZATION

Sec.

[8721, 8722. Repealed.]

8723. When Secretary may require.

### AMENDMENTS

1986—Pub. L. 99–661, div. A, title VI, § 604(f)(1)(B)(v), Nov. 14, 1986, 100 Stat. 3877, struck out item 8721 “Members of Air Force, other than of Regular Air Force” and item 8722 “Members of C.A.T.C.; members of Air Force not covered by section 8721 of this title”.

1958—Pub. L. 85–861, § 1(190)(D), Sept. 2, 1958, 72 Stat. 1534, struck out reference to members of the A.F.R.O.T.C. in item 8722.

**[§§ 8721, 8722. Repealed. Pub. L. 99–661, div. A, title VI, § 604(f)(1)(A), Nov. 14, 1986, 100 Stat. 3877]**

Section 8721, acts Aug. 10, 1956, ch. 1041, 70A Stat. 538; Sept. 2, 1958, Pub. L. 85–861, § 1(190)(A), 72 Stat. 1534, related to hospital benefits for members of Air Force, other than of Regular Air Force.

Section 8722, acts Aug. 10, 1956, ch. 1041, 70A Stat. 539; Sept. 2, 1958, Pub. L. 85–861, § 1(190)(B), (C), 72 Stat. 1534, related to hospital and related benefits for members of a Citizens’ Air Training Camp and for members of Air Force not covered by section 8721 of this title.

### EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as an Effective Date of 1986 Amendment note under section 1074a of this title.

### § 8723. When Secretary may require

The Secretary of the Air Force may order the hospitalization, medical and surgical treatment, and domiciliary care for as long as necessary, of any member of the Air Force on active duty, and may incur obligations with respect thereto, whether or not the member incurred an injury, illness, or disease in line of duty, except in the case of a member treated in a private hospital, or by a civilian physician, while on leave of absence for more than 24 hours.

(Aug. 10, 1956, ch. 1041, 70A Stat. 539; Pub. L. 99–661, div. A, title VI, § 604(f)(1)(D), Nov. 14, 1986,

100 Stat. 3878; Pub. L. 100–26, § 7(j)(11), Apr. 21, 1987, 101 Stat. 283.)

### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8723 .....	10:455e. 32:164d.	July 15, 1939, ch. 282; re-stated Oct. 14, 1940, ch. 875, § 5, 54 Stat. 1137.

The words “under such regulations as he may prescribe”, in 10:455e and 32:164d, are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The references to 10:455a–455d and 32:164a–164c, and the words “nor any other law of the United States shall be construed as limiting the power and authority”, are omitted, since the revised section makes explicit the authority of the Secretary to require the prescribed hospitalization and care. The words “or in training, under the provisions of sections 62—” are omitted as covered by the words “active duty”. The words “so long as any or all are necessary” and “in the active military service” are omitted as surplusage. With the exception of 32:62 (4th proviso of last sentence), the references to 32:62–65, 144–146, 183, and 186, in 10:455e and 32:164d, do not refer to members of the Air National Guard of the United States and are therefore omitted from the revised section. 10:455e (1st proviso) and 32:164d (1st proviso) are omitted, since they apply only to the National Guard and are covered by section 320 of title 32.

### AMENDMENTS

1987—Pub. L. 100–26 struck out comma after “disease”.

1986—Pub. L. 99–661 substituted “incurred an injury, illness, or disease” for “was injured, or contracted a disease”.

### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99–661 applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99–661, set out as a note under section 1074a of this title.

## CHAPTER 857—DECORATIONS AND AWARDS

Sec.

8741. Medal of honor: award.

8742. Air Force cross: award.

8743. Distinguished-service medal: award.

8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award.

8745. Medal of honor; Air Force cross; distinguished-service medal: delegation of power to award.

8746. Silver star: award.

8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: replacement.

8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.

8749. Distinguished flying cross: award; limitations.

8750. Airman’s Medal: award; limitations.

8751. Service medals: issue; replacement; availability of appropriations.

8752. Medals: posthumous award and presentation.

8754. Medal of honor: duplicate medal.

8755. Medal of honor: presentation of Medal of Honor Flag.

8756. Korea Defense Service Medal.

### AMENDMENTS

2004—Pub. L. 108–375, div. A, title X, § 1084(d)(33), Oct. 28, 2004, 118 Stat. 2063, renumbered item 8755 “Korea Defense Service Medal” as 8756.

2002—Pub. L. 107-314, div. A, title V, § 543(d)(2), Dec. 2, 2002, 116 Stat. 2550, added item 8755 “Korea Defense Service Medal”.

Pub. L. 107-248, title VIII, § 8143(c)(3)(B), Oct. 23, 2002, 116 Stat. 1571, added item 8755 “Medal of honor: presentation of Medal of Honor Flag”.

2001—Pub. L. 107-107, div. A, title V, § 553(c)(1)(B), Dec. 28, 2001, 115 Stat. 1116, added item 8754.

1960—Pub. L. 86-593, § 1(7), July 6, 1960, 74 Stat. 332, substituted “Air Force cross” for “distinguished-service cross” in items 8742, 8744, and 8745, inserted “Air Force cross;” in items 8747 and 8748, and substituted “Airman’s Medal” for “Soldier’s Medal” in item 8750.

#### EXTENSION OF TIME FOR AWARD OF DECORATION

For extension of time for award of decorations, or devices in lieu of decorations, for acts or services performed in direct support of military operations in Southeast Asia between July 1, 1958, and Mar. 28, 1973, see Pub. L. 93-469, Oct. 24, 1974, 88 Stat. 1422, set out as a note preceding section 3741 of this title.

For extension of time for award of decoration, or device in lieu of decoration, for an act or service performed while on active duty in military or naval forces, or while serving with such forces, between June 27, 1950, and July 27, 1953, see act Aug. 2, 1956, ch. 877, 70 Stat. 933, set out as a note preceding section 3741 of this title.

#### MERITORIOUS SERVICE MEDAL

Establishment of, see Ex. Ord. No. 11448, set out as a note preceding section 1121 of this title.

### § 8741. Medal of honor: award

The President may award, and present in the name of Congress, a medal of honor of appropriate design, with ribbons and appurtenances, to a person who, while a member of the Air Force, distinguishes himself conspicuously by gallantry and intrepidity at the risk of his life above and beyond the call of duty—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force; or
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 540; Pub. L. 88-77, § 3(1), July 25, 1963, 77 Stat. 94.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8741 .....	10:1403.	July 9, 1918, ch. 143, (8th par. under “Ordnance Department”), 40 Stat. 870.

The words “That the provisions of existing law relating to the award of medals of honor to officers, non-commissioned officers, and privates of the Army be, and they hereby are, amended so that”, in the Act of July 9, 1918, ch. 143 (8th par. under “Ordnance Department”), 40 Stat. 870, are not contained in 10:1403. They are also omitted from the revised section as surplusage. The word “member” is substituted for the words “officer or enlisted man”. The word “only” is omitted as surplusage. The word “award” is inserted for clarity, since the President determines the recipient of the medal in addition to presenting it.

#### AMENDMENTS

1963—Pub. L. 88-77 enlarged the authority to award the medal of honor, which was limited to those cases in

which persons distinguished themselves in action involving actual conflict with an enemy, to permit its award for distinguished service while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

### § 8742. Air Force cross: award

The President may award an Air Force cross of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Air Force, distinguishes himself by extraordinary heroism not justifying the award of a medal of honor—

- (1) while engaged in an action against an enemy of the United States;
- (2) while engaged in military operations involving conflict with an opposing foreign force; or
- (3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 540; Pub. L. 86-593, § 1(1), July 6, 1960, 74 Stat. 331; Pub. L. 88-77, § 3(2), July 25, 1963, 77 Stat. 94.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8742 .....	10:1406.	July 9, 1918, ch. 143 (9th par. under “Ordnance Department”), 40 Stat. 870.

The words “but not in the name of Congress” are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The words “since the 6th day of April, 1917” are omitted as executed. The word “award” is substituted for the word “present” to cover the determination of the recipients as well as the actual presentation of the medal, and to conform to other sections of this chapter. The words “or herself” are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words “or who shall hereafter distinguish” are omitted as surplusage.

#### AMENDMENTS

1963—Pub. L. 88-77 enlarged the authority to award the Air Force cross, which was limited to those cases in which persons distinguished themselves in connection with military operations against an armed enemy, to permit its award for extraordinary heroism not justifying the award of a medal of honor, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

1960—Pub. L. 86-593 substituted “Air Force cross” for “Distinguished-service cross” in section catchline, and substituted “an Air Force cross” for “a distinguished-service cross” in text.

#### REFERENCES TO DISTINGUISHED-SERVICE CROSS AND SOLDIER’S MEDAL CONSIDERED MADE TO AIR FORCE CROSS AND AIRMAN’S MEDAL

Section 3 of Pub. L. 86-593 provided that: “References that other laws, regulations, and orders make, with respect to the Air Force, to the distinguished-service cross and the Soldier’s Medal shall be considered to be made to the Air Force cross and the Airman’s Medal, respectively.”

**§ 8743. Distinguished-service medal: award**

The President may award a distinguished-service medal of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to a person who, while serving in any capacity with the Air Force, distinguishes himself by exceptionally meritorious service to the United States in a duty of great responsibility.

(Aug. 10, 1956, ch. 1041, 70A Stat. 540.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8743 .....	10:1407.	July 9, 1918, ch. 143 (10th par., less words after 1st semicolon, under "Ordnance Department"), 40 Stat. 870.

The words "but not in the name of Congress" are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The words "since the 6th day of April, 1917" are omitted as executed. The word "award" is substituted for the word "present" to cover the determination of the recipients as well as the actual presentation of the medal, and to conform to other sections of this chapter. The words "or herself" are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words "or who shall distinguish" are omitted as surplusage.

**§ 8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award**

(a) No more than one medal of honor, Air Force cross, or distinguished-service medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal or cross, the President may award a suitable bar or other device to be worn as he directs.

(b) Except as provided in subsection (d), no medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded to a person unless—

- (1) the award is made within three years after the date of the act justifying the award;
- (2) a statement setting forth the distinguished service and recommending official recognition of it was made within two years after the distinguished service; and
- (3) it appears from records of the Department of the Air Force that the person is entitled to the award.

(c) No medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(d) If the Secretary of the Air Force determines that—

- (1) a statement setting forth the distinguished service and recommending official recognition of it was made and supported by sufficient evidence within two years after the distinguished service; and
- (2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted on;

a medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, as the

case may be, may be awarded to the person concerned within two years after the date of that determination.

(Aug. 10, 1956, ch. 1041, 70A Stat. 540; Pub. L. 86-582, §1(3), July 5, 1960, 74 Stat. 320; Pub. L. 86-593, §1(2), July 6, 1960, 74 Stat. 331.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8744(a) .....	10:1411.	July 9, 1918, ch. 143 (12th par., less words after 2d semicolon, under "Ordnance Department"); restated Jan. 24, 1920, ch. 55, §1 (less last sentence), 41 Stat. 398.
8744(b) .....	10:1409 (words before 1st semicolon).	July 9, 1918, ch. 143 (less words between 1st and 2d semicolons of 15th par. under "Ordnance Department"), 40 Stat. 871.
8744(c) .....	10:1409 (words after 2d semicolon).	

In subsection (a), the words "may be awarded to a person" are substituted for the words "shall be issued to any one person" to conform to the other subsections of the revised section.

In subsection (b), the word "thereof" is substituted for the words "of either of said medal or of said cross". The words "Except as otherwise prescribed in this section", "at the time of", "specific", "official", and "has so distinguished himself as" are omitted as surplusage.

In subsection (c), 10:1409 (words after 3d semicolon) is omitted as executed. The words "hereinbefore authorized" are omitted as surplusage.

## AMENDMENTS

1960—Pub. L. 86-593 substituted "Air Force cross" for "distinguished-service cross" in section catchline and wherever appearing in subsecs. (a) to (d).

Subsec. (b). Pub. L. 86-582, §1(3)(A), substituted "Except as provided in subsection (d), no" for "No".

Subsec. (d). Pub. L. 86-582, §1(3)(B), added subsec. (d).

## PERSONS AWARDED DISTINGUISHED-SERVICE CROSS OR SOLDIER'S MEDAL BEFORE JULY 6, 1960

Section 2 of Pub. L. 86-593 provided that: "For the purposes of sections 8744(a) and 8750(b) of title 10, United States Code, a person who was awarded a distinguished-service cross or Soldier's Medal before the date of enactment of this Act [July 6, 1960] shall be treated as if he had not been awarded an Air Force cross or Airman's Medal, as the case may be."

**§ 8745. Medal of honor; Air Force cross; distinguished-service medal: delegation of power to award**

The President may delegate his authority to award the medal of honor, Air Force cross, and distinguished-service medal, to a commanding general of a separate air force or higher unit in the field.

(Aug. 10, 1956, ch. 1041, 70A Stat. 541; Pub. L. 86-593, §1(3), July 6, 1960, 74 Stat. 332.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8745 .....	10:1410.	July 9, 1918, ch. 143 (16th par., less words after semicolon, under "Ordnance Department"), 40 Stat. 872.

The words "under such conditions, regulations, and limitations as he shall prescribe" are omitted as sur-

plusage. The words “his authority” are substituted for the words “the power conferred upon him by sections 1403, 1406–1408, 1409–1412, 1416, 1420, 1422, 1423, and 1424 of this title”.

## AMENDMENTS

1960—Pub. L. 86–593 substituted “Air Force cross” for “distinguished-service cross” in section catchline and in text.

**§ 8746. Silver star: award**

The President may award a silver star of appropriate design, with ribbons and appurtenances, to a person who, while serving in any capacity with the Air Force, is cited for gallantry in action that does not warrant a medal of honor or Air Force cross—

(1) while engaged in an action against an enemy of the United States;

(2) while engaged in military operations involving conflict with an opposing foreign force; or

(3) while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party.

(Aug. 10, 1956, ch. 1041, 70A Stat. 541; Pub. L. 88–77, § 3(3), July 25, 1963, 77 Stat. 95.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8746 .....	10:1412.	July 9, 1918, ch. 143 (words after 2d semicolon of 12th par. under “Ordnance Department”); restated Jan. 24, 1920, ch. 55, § 1 (last sentence); restated Dec. 15, 1942, ch. 736, 56 Stat. 1052.

The words “may award” are inserted to conform to other sections of this chapter. The words “if the person earned” are inserted for clarity. The words “commanded by” are omitted as surplusage.

## AMENDMENTS

1963—Pub. L. 88–77 substituted provisions permitting the issuance of a silver star for gallantry while engaged in an action against an enemy of the United States, while engaged in military operations involving conflict with an opposing foreign force, or while serving with friendly foreign forces engaged in an armed conflict against an opposing armed force in which the United States is not a belligerent party, and requiring it to be of appropriate design, for provisions which authorized the issuance of the silver star for gallantry in action and which required that the silver star be three-sixteenths of an inch in diameter, the citation thereof be published in orders issued from the headquarters of a force that is the appropriate command of a general officer, and that it be worn as directed by the President.

**§ 8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: replacement**

Any medal of honor, Air Force cross, distinguished-service cross, distinguished-service medal, or silver star, or any bar, ribbon, rosette, or other device issued for wear with or in place of any of them, that is stolen, lost, or destroyed, or becomes unfit for use, without fault or neglect of the person to whom it was awarded, shall be replaced without charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 541; Pub. L. 86–593, § 1(4), July 6, 1960, 74 Stat. 332; Pub. L. 107–107, div. A, title V, § 553(c)(2), Dec. 28, 2001, 115 Stat. 1116.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8747 .....	10:1416.	July 9, 1918, ch. 143 (14th par. under “Ordnance Department”), 40 Stat. 871.

The words “issued for wear with or in place of any of them” are inserted for clarity. The words “presented under the provisions of this title” and “such medal, cross, bar, ribbon, rosette, or device” are omitted as surplusage.

## AMENDMENTS

2001—Pub. L. 107–107 substituted “stolen, lost,” for “lost”.

1960—Pub. L. 86–593 inserted “Air Force cross” in section catchline and in text.

**§ 8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations**

The Secretary of the Air Force may spend, from any appropriation for contingent expenses of the Department of the Air Force, amounts necessary to provide medals and devices under sections 8741, 8742, 8743, 8744, 8746, 8747, and 8752 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 541; Pub. L. 86–593, § 1(5), July 6, 1960, 74 Stat. 332.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8748 .....	10:1424.	July 9, 1918, ch. 143 (13th par. under “Ordnance Department”), 40 Stat. 871.

The word “amounts” is substituted for the words “so much as may be”. The word “provides” is substituted for the words “defray the cost of”. The words “medals and devices under” are substituted for the words “medals of honor, distinguished-service crosses, distinguished-service medals, bars, rosettes, and other devices provided for in”. The words “from time to time” are omitted as surplusage.

## AMENDMENTS

1960—Pub. L. 86–593 inserted “Air Force cross” in section catchline.

**§ 8749. Distinguished flying cross: award; limitations**

(a) The President may award a distinguished flying cross of appropriate design with accompanying ribbon to any person who, while serving in any capacity with the Air Force, distinguishes himself by heroism or extraordinary achievement while participating in an aerial flight.

(b) Not more than one distinguished flying cross may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a cross, the President may award a suitable bar or other device to be worn as he directs.



(c) No distinguished flying cross, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(Aug. 10, 1956, ch. 1041, 70A Stat. 541.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8749(a) .....	10:1429 (less 2d and last sentences).	July 2, 1926, ch. 721, § 12 (less 1st 49 words of last sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549.
8749(b) .....	10:1429 (2d sentence).	
8749(c) .....	10:1429 (last sentence, less 1st 49 words).	

In subsection (a), the words “under such rules and regulations as he may prescribe” are omitted, since the President has inherent authority to issue regulations appropriate to exercising his functions. The words “but not in the name of Congress” are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The word “award” is substituted for the word “present” to cover the determination of the recipients as well as the actual presentation of the medal. The words “since the 6th day of April, 1917, has distinguished, or who, after July 2, 1926” and 10:1429 (proviso of 1st sentence) are omitted as executed.

#### § 8750. Airman’s Medal: award; limitations

(a)(1) The President may award a decoration called the “Airman’s Medal”, of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Air Force, distinguishes himself by heroism not involving actual conflict with an enemy.

(2) The authority in paragraph (1) includes authority to award the medal to a member of the Ready Reserve who was not in a duty status defined in section 101(d) of this title when the member distinguished himself by heroism.

(b) Not more than one Airman’s Medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal, the President may award a suitable bar or other device to be worn as he directs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 542; Pub. L. 86–593, § 1(6), July 6, 1960, 74 Stat. 332; Pub. L. 105–85, div. A, title V, § 574(c), Nov. 18, 1997, 111 Stat. 1758.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8750(a) .....	10:1428 (less last sentence).	July 2, 1926, ch. 721, § 11, 44 Stat. 789.
8750(b) .....	10:1428 (last sentence).	

The words “Under such rules and regulations as he may prescribe” are omitted, since the President has inherent authority to issue regulations appropriate to exercising his functions. The words “but not in the name of Congress” are omitted as surplusage, since a medal is presented in the name of Congress only if the law so directs. The word “award” is substituted for the word “present” to cover the determination of the recipients as well as the actual presentation of the medal. The words “a decoration called” are substituted for the words “a medal to be known as”. The words “including the National Guard and the Organized Reserves” are omitted as surplusage. The words “or herself” are omitted, since, under section 1 of title 1, words importing the masculine gender include the feminine. The words “after July 2, 1926” are omitted as executed.

In subsection (b), the words “that would otherwise justify” are substituted for the words “sufficient to”.

#### AMENDMENTS

1997—Subsec. (a). Pub. L. 105–85 designated existing provisions as par. (1) and added par. (2).

1960—Pub. L. 86–593 substituted “Airman’s Medal” for “Soldier’s Medal” in section catchline and wherever appearing in text.

#### § 8751. Service medals: issue; replacement; availability of appropriations

(a) The Secretary of the Air Force shall procure, and issue without charge to any person entitled thereto, any service medal authorized for members of the Air Force after September 26, 1947, and any ribbon, clasp, star, or similar device prescribed as a part of that medal.

(b) Under such regulations as the Secretary may prescribe, any medal or other device issued under subsection (a) that is lost, destroyed, or becomes unfit for use without fault or neglect of the owner, may be replaced at cost. However, if the owner is a member of the Air Force, the medal or device may be replaced without charge.

(c) The Secretary may spend, from any appropriation for the support of the Air Force, amounts necessary to provide medals and devices under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 542.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8751(a) .....	10:1415a (less 21st through 30th words, and less clauses (a) through (n)).	May 12, 1928, ch. 528, §§ 1 (less 25th through 34th words, and less clauses (a) through (n)), 2 (less applicability to § 1 (clauses (a) through (n))), 3 (less applicability to § 1 (clauses (a) through (n))), 45 Stat. 500.
8751(b) .....	10:1415b (less applicability to 10:1415a (clauses (a) through (n))).	
8751(c) .....	10:1415c (less applicability to 10:1415a (clauses (a) through (n))).	

In subsection (a), the words “authorized for members of the Air Force after September 26, 1947” are substituted for the words “hereafter authorized”, since, under Transfer Order 1, that date was the effective date of the transfer of personnel from the Army to the Air Force under section 208(e) of the National Security Act of 1947, as amended (5 U.S.C. 626c(e)). 10:1415a (proviso) is omitted as surplusage, since the revised section is not limited to persons who are members of the Air Force at the time of the issue.

In subsection (b), the words “member of the Air Force” are substituted for the words “persons in the military service of the United States”.

In subsection (c), the last 16 words are substituted for 10:1415c (last 16 words).

#### § 8752. Medals: posthumous award and presentation

(a) If a person dies before the award of a medal of honor, distinguished-service cross, distinguished-service medal, distinguished flying cross, or device in place thereof, to which he is entitled, the award may be made and the medal or device presented to his representative, as designated by the President.

(b) If a person dies before an authorized service medal or device prescribed as a part thereof is presented to him under section 8751 of this title, it shall be presented to his family.

(Aug. 10, 1956, ch. 1041, 70A Stat. 542; Pub. L. 85–861, § 33(a)(23), Sept. 2, 1958, 72 Stat. 1565.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8752(a) .....	10:1409 (words between 1st and 2d semicolons). 10:1429 (1st 49 words of last sentence).	July 9, 1918, ch. 143 (words between 1st and 2d semicolons of 15th par. under "Ordnance Department"), 40 Stat. 871.
8752(b) .....	10:1415a (21st through 30th words, less applicability to clauses (a) through (n)).	July 2, 1926, ch. 721, § 12 (1st 49 words of last sentence), 44 Stat. 789; July 30, 1937, ch. 545, § 4, 50 Stat. 549. May 12, 1928, ch. 528, § 1 (25th through 34th words, less applicability to clauses (a) through (n)), 45 Stat. 500.

In subsection (a), the words "If a person" are substituted for the words "In case an individual \* \* \* dies", in 10:1409, and "In case an individual \* \* \* shall have died", in 10:1429. The words "within three years from the date", in 10:1409, are omitted as covered by section 8744 of this title. The words "who shall distinguish himself", in 10:1409, and "who distinguishes himself", in 10:1429, are omitted as covered by the words "the award \* \* \* to which he is entitled".

1958 ACT

The change reflects the fact that the source statute for these sections (sec. 1 of the Act of May 12, 1928, ch. 528, 45 Stat. 500) was mandatory and not merely permissive.

AMENDMENTS

1958—Subsec. (b). Pub. L. 85-861 substituted "it shall be presented" for "it may be presented".

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

**§ 8754. Medal of honor: duplicate medal**

A person awarded a medal of honor shall, upon written application of that person, be issued, without charge, one duplicate medal of honor with ribbons and appurtenances. Such duplicate medal of honor shall be marked, in such manner as the Secretary of the Air Force may determine, as a duplicate or for display purposes only.

(Added Pub. L. 107-107, div. A, title V, § 553(c)(1)(A), Dec. 28, 2001, 115 Stat. 1116.)

**§ 8755. Medal of honor: presentation of Medal of Honor Flag**

The President shall provide for the presentation of the Medal of Honor Flag designated under section 903 of title 36 to each person to whom a medal of honor is awarded under section 8741 of this title. Presentation of the flag shall be made at the same time as the presentation of the medal under section 8741 or 8752(a) of this title. In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented.

(Added Pub. L. 107-248, title VIII, § 8143(c)(3)(A), Oct. 23, 2002, 116 Stat. 1570; amended Pub. L. 107-314, div. A, title X, § 1062(a)(16), Dec. 2, 2002, 116 Stat. 2650; Pub. L. 109-364, div. A, title V, § 555(a), Oct. 17, 2006, 120 Stat. 2217.)

CODIFICATION

Another section 8755 was renumbered section 8756 of this title.

AMENDMENTS

2006—Pub. L. 109-364 struck out "after October 23, 2002" after "section 8741 of this title" and inserted at end "In the case of a posthumous presentation of the medal, the flag shall be presented to the person to whom the medal is presented."

2002—Pub. L. 107-314 substituted "October 23, 2002" for "the date of the enactment of this section".

PRESENTATION OF FLAG FOR PRIOR RECIPIENTS OF  
MEDAL OF HONOR

President to provide for the presentation of the Medal of Honor Flag to living recipients of the Medal of Honor as expeditiously as possible after Oct. 17, 2006, and for posthumous presentation to survivors of deceased recipients upon written application therefor, see section 555(b) of Pub. L. 109-364, set out as a note under section 3755 of this title.

**§ 8756. Korea Defense Service Medal**

(a) The Secretary of the Air Force shall issue a campaign medal, to be known as the Korea Defense Service Medal, to each person who while a member of the Air Force served in the Republic of Korea or the waters adjacent thereto during the KDSM eligibility period and met the service requirements for the award of that medal prescribed under subsection (c).

(b) In this section, the term "KDSM eligibility period" means the period beginning on July 28, 1954, and ending on such date after the date of the enactment of this section as may be determined by the Secretary of Defense to be appropriate for terminating eligibility for the Korea Defense Service Medal.

(c) The Secretary of the Air Force shall prescribe service requirements for eligibility for the Korea Defense Service Medal. Those requirements shall not be more stringent than the service requirements for award of the Armed Forces Expeditionary Medal for instances in which the award of that medal is authorized.

(Added Pub. L. 107-314, div. A, title V, § 543(d)(1), Dec. 2, 2002, 116 Stat. 2550, § 8755; renumbered § 8756, Pub. L. 108-375, div. A, title X, § 1084(d)(33), Oct. 28, 2004, 118 Stat. 2063.)

REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (b), is the date of enactment of Pub. L. 107-314, which was approved Dec. 2, 2002.

AMENDMENTS

2004—Pub. L. 108-375 renumbered section 8755 of this title as this section.

**[CHAPTER 859—REPEALED]**

**[§§ 8781 to 8787. Repealed. Pub. L. 96-513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]**

Section 8781, acts Aug. 10, 1956, ch. 1041, 70A Stat. 542; July 12, 1960, Pub. L. 86-616, § 7(a), 74 Stat. 391, authorized Secretary of Air Force to convene at any time a board of officers to review record of any commissioned officer on active list of Regular Air Force to determine whether he should be required, because of substandard performance of duty, to show cause for his retention on active list. See section 1181(a) of this title.

Section 8782, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, § 7(a), 74 Stat. 391, provided

for boards of inquiry, composed of three or more officers, to be convened at such places as Secretary of Air Force prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8781 of this title, should be retained on active list of Regular Air Force. See section 1182 of this title.

Section 8783, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 391, provided for boards of review, composed of three or more officers, to be convened by Secretary of Air Force, at such places as he prescribes, to review records of cases of officers recommended by boards of inquiry for removal from active list of Regular Air Force.

Section 8784, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 392, authorized Secretary of Air Force to remove an officer from active list of Regular Air Force if his removal is recommended by a board of review and provided that decision of Secretary in such case is final and conclusive. See section 1184 of this title.

Section 8785, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 392, provided that each officer under consideration for removal from active list of Regular Air Force under this chapter, be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before a board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding. See section 1185 of this title.

Section 8786, acts Aug. 10, 1956, ch. 1041, 70A Stat. 544; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 392, authorized Secretary of Air Force, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Air Force, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 8787, added Pub. L. 86-616, §7(a), July 12, 1960, 74 Stat. 392, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board and that no person be a member of more than one board convened under this chapter for same officer. See section 1187 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [CHAPTER 860—REPEALED]

#### [§§ 8791 to 8797. Repealed. Pub. L. 96-513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]

Section 8791, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 393, authorized Secretary of Air Force to convene at any time a board of general officers to review record of any commissioned officer on active list of Regular Air Force to determine whether he should be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active list. See section 1181(b) of this title.

Section 8792, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 393, provided for boards of inquiry, composed of three or more general officers, to be convened at such places as Secretary of Air Force prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8791 of this title, should be retained on active list of the Regular Air Force. See section 1182 of this title.

Section 8793, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 393, provided for boards of review, composed of

three or more general officers, to be convened by Secretary of Air Force, at such places as he prescribes, to review the records of cases of officers recommended by boards of inquiry for removal from active list of Regular Air Force.

Section 8794, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, authorized Secretary of Air Force to remove an officer from active list of Regular Air Force if his removal is recommended by a board of review and provided that decision of Secretary in such a case is final and conclusive. See section 1184 of this title.

Section 8795, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, provided that each officer under consideration for removal from active list of Regular Air Force under this chapter be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before the board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceedings, except records that the Secretary determines be withheld in interests of national security, in which case, a summary, to the extent national security permits, be furnished. See section 1185 of this title.

Section 8796, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, authorized Secretary of Air Force, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Air Force, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 8797, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board and that no person be a member of more than one board convened under this chapter for the same officer. See section 1187 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### CHAPTER 861—SEPARATION FOR VARIOUS REASONS

Sec.

[8811 to 8816. Repealed.]

8817. Aviation cadets: discharge.

[8818 to 8820. Repealed.]

#### AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(7), Oct. 5, 1994, 108 Stat. 3016, struck out items 8819 “Reserve officers: discharge for failure of promotion to first lieutenant” and 8820 “Air National Guard of United States officers: discharge”.

1980—Pub. L. 96-513, title V, §504(16), Dec. 12, 1980, 94 Stat. 2917, struck out items 8814 “Regular commissioned officers: discharge during three-year probationary period” and 8818 “Regular female members: termination of appointment or enlistment”.

1968—Pub. L. 90-235, §3(a)(5), (b)(7), Jan. 2, 1968, 81 Stat. 758, struck out items 8811 “Air Force enlisted members: discharge certificate; limitations on discharge”, 8812 “Air Force enlisted members: during war or emergency; discharge”, 8813 “Air Force enlisted members: dependency discharge”, 8815 “Regular enlisted members: resignation of members enlisted on career basis; limitations”, and 8816 “Regular enlisted members: minority discharge”.

1958—Pub. L. 85-861, §1(191)(B), Sept. 2, 1958, 72 Stat. 1534, added item 8819.

**[§§ 8811 to 8813. Repealed. Pub. L. 90-235, § 3(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 757, 758]**

Section 8811, act Aug. 10, 1956, ch. 1041, 70A Stat. 544, provided for discharge of enlisted members of Air Force and limitations thereon, and for issuance of discharge certificates. See section 1169 of this title.

Section 8812, act Aug. 10, 1956, ch. 1041, 70A Stat. 544, provided for discharge of members of Air Force enlisted during war or emergency. See section 1172 of this title.

Section 8813, act Aug. 10, 1956, ch. 1041, 70A Stat. 544, provided for dependency discharges for enlisted members of Air Force.

**[§ 8814. Repealed. Pub. L. 96-513, title II, § 214, Dec. 12, 1980, 94 Stat. 2885]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, authorized Secretary of Air Force to discharge a regular commissioned officer who has less than three years of continuous service as a commissioned officer therein, provided that such officer not be dismissed because of his marriage, unless marriage occurred within one year after date of his original appointment. See section 630 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[§§ 8815, 8816. Repealed. Pub. L. 90-235, § 3(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 757, 758]**

Section 8815, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, provided for resignation of regular enlisted members of Air Force enlisted on a career basis and limitations thereon.

Section 8816, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, provided for minority discharges for regular enlisted members of Air Force. See section 1170 of this title.

**§ 8817. Aviation cadets: discharge**

The Secretary of the Air Force may discharge an aviation cadet at any time.

(Aug. 10, 1956, ch. 1041, 70A Stat. 545.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8817 .....	10:299 (last sentence).	June 3, 1941, ch. 165, § 3 (last sentence), 55 Stat. 239.

10:299 (last sentence, less 1st 14 words) is omitted as superseded by section 681 of this title.

**[§ 8818. Repealed. Pub. L. 96-513, title II, § 236, Dec. 12, 1980, 94 Stat. 2887]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, authorized Secretary of Air Force, under regulations prescribed by President, to terminate appointment or enlistment of any female member of Regular Air Force, provided that appointment of a commissioned officer not be terminated by dismissal.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**[§§ 8819, 8820. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(2), Oct. 5, 1994, 108 Stat. 2963]**

Section 8819, added Pub. L. 85-861, § 1(191)(A), Sept. 2, 1958, 72 Stat. 1534; amended Pub. L. 86-559, § 1(65), June

30, 1960, 74 Stat. 278; Pub. L. 98-525, title V, § 528(d), Oct. 19, 1984, 98 Stat. 2526; Pub. L. 104-106, div. A, title XV, § 1501(c)(32), (33), Feb. 10, 1996, 110 Stat. 500, related to discharge of officers of Air Force Reserve or Air National Guard of United States for failure of promotion to first lieutenant. See section 14503 of this title.

Section 8820, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, related to discharge and withdrawal of Federal recognition of officers of Air National Guard of United States absent without leave. See section 14907 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**[CHAPTER 863—REPEALED]**

**[§§ 8841, 8842. Repealed. Pub. L. 86-559, § 1(66), June 30, 1960, 74 Stat. 278]**

Sections, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535, related to separation or transfer to Retired Reserve of female reserve nurses and medical specialists at age 50 if in a Reserve grade below major and at age 55 if in a Reserve grade above captain.

**[§§ 8843 to 8846. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(3), Oct. 5, 1994, 108 Stat. 2963]**

Section 8843, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, § 1(67), June 30, 1960, 74 Stat. 278, related to transfer or discharge of reserve commissioned officers 60 years of age and below grade of major general. See section 14510 of this title.

Section 8844, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, § 1(68), June 30, 1960, 74 Stat. 279, related to transfer or discharge of certain reserve major generals who are 62 years of age. See section 14511 of this title.

Section 8845, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, § 1(69), June 30, 1960, 74 Stat. 279; Pub. L. 100-456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of certain reserve officers of Air Force who are 64 years of age. See section 14512(a) of this title.

Section 8846, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 104-106, div. A, title XV, § 1501(c)(32), Feb. 10, 1996, 110 Stat. 500, related to transfer or discharge of deferred officers.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

**[§ 8847. Repealed. Pub. L. 90-130, § 1(31)(A), Nov. 8, 1967, 81 Stat. 382]**

Section, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, § 1(70), June 30, 1960, 74 Stat. 279, provided for mandatory retirement of female commissioned officers, Air Force nurses, and medical specialists on active duty in a Reserve grade below lieutenant colonel after completion of 25 years of service computed under section 8853.

**[§ 8848. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(3), Oct. 5, 1994, 108 Stat. 2963]**

Section, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, § 1(71), June 30, 1960, 74 Stat. 279; Pub. L. 90-130, § 1(31)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 90-486, § 9(2), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96-513, title V, § 514(7), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 99-145, title V, § 522(b)(1), title XIII, § 1303(a)(27)(A), Nov. 8, 1985, 99 Stat. 632, 740, related to transfer or discharge of reserve first lieutenants, cap-

tains, majors, and lieutenant colonels with 28 years of service. See section 14501 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### [§ 8849. Repealed. Pub. L. 86-559, § 1(72), June 30, 1960, 74 Stat. 279]

Section, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1536, related to separation or transfer to Retired Reserve of female reserve lieutenant colonels, except those designated under section 8067 of this title, upon completion of 28 years of service.

#### [§§ 8850 to 8855. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(3), Oct. 5, 1994, 108 Stat. 2963]

Section 8850, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1537; amended Pub. L. 90-168, §2(22), Dec. 1, 1967, 81 Stat. 525; Pub. L. 104-106, div. A, title XV, §1501(c)(25), Feb. 10, 1996, 110 Stat. 499, related to transfer or discharge of excessive reserve commissioned officers in active status with 30 or more years of service. See sections 14514 and 14704 of this title.

Section 8851, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1537; amended Pub. L. 86-559, §1(73), June 30, 1960, 74 Stat. 280; Pub. L. 90-83, §3(6), Sept. 11, 1967, 81 Stat. 220; Pub. L. 90-486, §9(2), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96-513, title V, §514(7), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 98-525, title XIV, §1405(55), Oct. 19, 1984, 98 Stat. 2626; Pub. L. 99-145, title V, §522(b)(2), title XIII, §1303(a)(27)(B), Nov. 8, 1985, 99 Stat. 632, 740; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of reserve lieutenant colonels, colonels, and brigadier generals with 30 years of service or five years in grade.

Section 8852, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1537; amended Pub. L. 86-559, §1(74), June 30, 1960, 74 Stat. 280; Pub. L. 99-145, title XIII, §1303(a)(27)(B), Nov. 8, 1985, 99 Stat. 740; Pub. L. 100-456, div. A, title XII, §1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of reserve major generals and brigadier generals with 35 years of service or five years in grade.

Section 8853, added Pub. L. 85-861, §1(192), Sept. 2, 1958, 72 Stat. 1538; amended Pub. L. 86-559, §1(75), June 30, 1960, 74 Stat. 280; Pub. L. 98-94, title X, §1016(c), Sept. 24, 1983, 97 Stat. 668, related to computation of years of service. See section 14706 of this title.

Section 8855, added Pub. L. 86-559, §1(76), June 30, 1960, 74 Stat. 280; amended Pub. L. 96-107, title IV, §403(b), Nov. 9, 1979, 93 Stat. 808; Pub. L. 96-513, title II, §215(b), Dec. 12, 1980, 94 Stat. 2885; Pub. L. 100-180, div. A, title VII, §717(c), (d)(2)(A), Dec. 4, 1987, 101 Stat. 1114; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, §1233(l)(2), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101-189, div. A, title VII, §710(c), Nov. 29, 1989, 103 Stat. 1477, related to retention in active status of certain reserve officers. See section 14703(a)(3), (b) of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### [CHAPTER 865—REPEALED]

#### [§§ 8881, 8882. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section 8881, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, authorized Secretary of Air Force to retire Air Force nurses and woman medical specialists whose regular grade is below major.

Section 8882, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, authorized Secretary of Air Force to retire Air Force

nurses or woman medical specialists whose regular grade is above captain.

#### [§§ 8883 to 8886. Repealed. Pub. L. 96-513, title II, § 216, Dec. 12, 1980, 94 Stat. 2886]

Section 8883, acts Aug. 10, 1956, ch. 1041, 70A Stat. 546; Aug. 6, 1958, Pub. L. 85-600, §1(17), 72 Stat. 523; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is below major general, other than a professor or the registrar of the United States Air Force Academy, be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 8884, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 8923 of this title has been deferred under cl. (1) of that section, be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 8885, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Sept. 2, 1958, Pub. L. 85-861, §33(a)(42), 72 Stat. 1567; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date or unless retained under section 8923(2) of this title, each commissioned officer whose regular grade is major general be retired when he becomes 62 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

Section 8886, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Aug. 6, 1958, Pub. L. 85-600, §1(18), 72 Stat. 523; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, provided that, unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 8923 of this title has been deferred under cl. (2) of that section, and each permanent professor and the registrar of the United States Air Force Academy, be retired when he becomes 64 years of age, except as provided by section 8301 of title 5. See section 1251 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### [§ 8887. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 547, related to computation of years of service of Air Force nurses or woman medical specialists for purposes of retirement under former sections 8881 or 8882 of this title, or retirement pay under section 8991 of this title.

#### [§§ 8888, 8889. Repealed. Pub. L. 96-513, title II, § 216, Dec. 12, 1980, 94 Stat. 2886]

Section 8888, acts Aug. 10, 1956, ch. 1041, 70A Stat. 547; Aug. 21, 1957, Pub. L. 85-155, title III, §301(16), 71 Stat. 388; May 20, 1958, Pub. L. 85-422, §11(a)(7), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85-861, §1(194), 72 Stat. 1538; Sept. 30, 1966, Pub. L. 89-609, §1(30), 80 Stat. 854, related to computation of years of service for determining retired pay of a commissioned officer of Regular Air Force retired under section 8883, 8884, 8885, or 8886 of this title. See section 1405 of this title.

Section 8889, act Aug. 10, 1956, ch. 1041, 70A Stat. 548, provided that a member of Air Force retired under this chapter be entitled to retired pay computed under chapter 871 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

## CHAPTER 867—RETIREMENT FOR LENGTH OF SERVICE

Sec.	
8911.	Twenty years or more: regular or reserve commissioned officers.
[8912, 8913. Repealed.]	
8914.	Twenty to thirty years: enlisted members.
[8915, 8916. Repealed.]	
8917.	Thirty years or more: regular enlisted members.
8918.	Thirty years or more: regular commissioned officers.
[8919. Repealed.]	
8920.	More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy.
8921.	Mandatory retirement: Superintendent of the United States Air Force Academy; waiver authority.
[8922, 8923. Repealed.]	
8924.	Forty years or more: Air Force officers.
8925.	Computation of years of service: voluntary retirement; enlisted members.
8926.	Computation of years of service: voluntary retirement; regular and reserve commissioned officers.
[8927, 8928. Repealed.]	
8929.	Computation of retired pay: law applicable.

### AMENDMENTS

2004—Pub. L. 108-375, div. A, title V, §541(c)(3)(B), Oct. 28, 2004, 118 Stat. 1904, inserted “; waiver authority” after “Academy” in item 8921.

1999—Pub. L. 106-65, div. A, title V, §532(a)(4)(E), Oct. 5, 1999, 113 Stat. 604, added item 8921.

1996—Pub. L. 104-106, div. A, title V, §509(b)(2), Feb. 10, 1996, 110 Stat. 298, substituted “permanent professors and the Director of Admissions” for “professors” in item 8920.

1980—Pub. L. 96-513, title V, §504(17), Dec. 12, 1980, 94 Stat. 2917, struck out items 8913 “Twenty years or more: deferred officers not recommended for promotion”, 8915 “Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major”, 8916 “Twenty-eight years: promotion-list lieutenant colonels”, 8919 “Thirty years or more: regular commissioned officers; excessive number”, 8921 “Thirty years or five years in grade: promotion-list colonels”, 8922 “Thirty years or five years in grade: regular brigadier generals”, 8923 “Thirty-five years or five years in grade: regular major generals”, and 8927 “Computation of years of service: mandatory retirement; regular commissioned officers”.

Pub. L. 96-343, §9(b)(3), Sept. 8, 1980, 94 Stat. 1129, struck out “regular” before “enlisted members” in items 8914 and 8925.

1967—Pub. L. 90-130, §1(32)(C), Nov. 8, 1967, 81 Stat. 383, substituted “Twenty-eight years: deferred retirement of nurses and medical specialists in regular grade of major” for “Twenty-five years: female majors except those designated under section 8067(a)-(d) or (g)-(i) of this title; male majors designated under section 8067(e) or (f) of this title” in item 8915.

1966—Pub. L. 89-609, §1(32), Sept. 30, 1966, 80 Stat. 854, inserted “; male majors designated under section 8067(e) or (f) of this title” in item 8915.

1957—Pub. L. 85-155, title III, §301(21), Aug. 21, 1957, 71 Stat. 389, struck out items 8912 and 8928, and substituted “section 8067(a)-(d) or (g)-(i)” for “section 8067” in item 8915.

### § 8911. Twenty years or more: regular or reserve commissioned officers

(a) The Secretary of the Air Force may, upon the officer’s request, retire a regular or reserve commissioned officer of the Air Force who has at least 20 years of service computed under sec-

tion 8926 of this title, at least 10 years of which have been active service as a commissioned officer.

(b)(1) The Secretary of Defense may authorize the Secretary of the Air Force, during the period specified in paragraph (2), to reduce the requirement under subsection (a) for at least 10 years of active service as a commissioned officer to a period (determined by the Secretary of the Air Force) of not less than eight years.

(2) The period specified in this paragraph is the period beginning on the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013.

(Aug. 10, 1956, ch. 1041, 70A Stat. 549; Pub. L. 101-510, div. A, title V, §523(c), Nov. 5, 1990, 104 Stat. 1562; Pub. L. 103-160, div. A, title V, §561(c), Nov. 30, 1993, 107 Stat. 1667; Pub. L. 105-261, div. A, title V, §561(e), Oct. 17, 1998, 112 Stat. 2025; Pub. L. 106-398, §1 [[div. A], title V, §571(e)], Oct. 30, 2000, 114 Stat. 1654, 1654A-134; Pub. L. 109-163, div. A, title V, §502(c), Jan. 6, 2006, 119 Stat. 3225; Pub. L. 109-364, div. A, title X, §1071(a)(37), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 111-383, div. A, title V, §506(c), Jan. 7, 2011, 124 Stat. 4210.)

### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8911 .....	10:943a. 10:971b (1st 100 words).	July 31, 1935, ch. 422, §5 (1st 101 words); re-stated June 13, 1940, ch. 344, §3 (1st 45 words), 54 Stat. 380; June 29, 1948, ch. 708, §202 (1st 105 words), 62 Stat. 1084; July 16, 1953, ch. 203, 67 Stat. 175.

The words “a regular or reserve commissioned officer of the Air Force” are substituted for the words “any officer on the active list of the \* \* \* Regular Air Force \* \* \* or any officer of the reserve components of the \* \* \* Air Force of the United States”. The words “Philippine Scouts” are omitted as obsolete. The words “has at least 20” are substituted for the words “shall have completed not less than twenty”. The words “upon his request” are substituted for the words “upon his own application”. The words “service computed under section 8926 of this title” are substituted for the words “active Federal service in the armed forces of the United States”, since that revised section makes explicit the service covered.

### REFERENCES IN TEXT

The date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, referred to in subsec. (b)(2), is the date of enactment of Pub. L. 111-383, which was approved Jan. 7, 2011.

### AMENDMENTS

2011—Subsec. (b)(2). Pub. L. 111-383 substituted “the date of the enactment of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 and ending on September 30, 2013” for “January 6, 2006, and ending on December 31, 2008”.

2006—Subsec. (b). Pub. L. 109-364 struck out second comma after “paragraph (2)” in par. (1) and substituted “January 6, 2006,” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2006” in par. (2).

Pub. L. 109-163 designated existing provisions as par. (1), substituted “during the period specified in paragraph (2),” for “during the period beginning on October 1, 1990, and ending on December 31, 2001”, and added par. (2).

2000—Subsec. (b). Pub. L. 106-398 substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (b). Pub. L. 105-261 substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

1993—Subsec. (b). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1990—Pub. L. 101-510 designated existing provisions as subsec. (a) and added subsec. (b).

#### TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Air Force, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to a regular or reserve commissioned officer with at least 15 but less than 20 years of service by substituting “at least 15 years” for “at least 20 years” in subsec. (a) of this section, see section 4403 of Pub. L. 102-484, set out as a note under section 1293 of this title.

#### [§ 8912. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 549, permitted Secretary of Air Force, upon officer's request, to retire an Air Force nurse, or a woman medical specialist, of Regular Air Force, who has at least 20 years of service computed under former section 8928 of this title.

#### [§ 8913. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 549; July 12, 1960, Pub. L. 86-616, § 9, 74 Stat. 395; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided for retirement of deferred officers not recommended for promotion after twenty years or more of service, except as provided in section 8301 of Title 5. See section 627 et seq. of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### § 8914. Twenty to thirty years: enlisted members

Under regulations to be prescribed by the Secretary of the Air Force, an enlisted member of the Air Force who has at least 20, but less than 30, years of service computed under section 8925 of this title may, upon his request, be retired.

(Aug. 10, 1956, ch. 1041, 70A Stat. 550; Pub. L. 96-343, § 9(b)(1), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 103-337, div. A, title V, § 515(b), Oct. 5, 1994, 108 Stat. 2753.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8914 .....	10:948 (1st sentence). 10:948a.	Oct. 6, 1945, ch. 393, § 4 (1st sentence); restated Aug. 10, 1946, ch. 952, § 6(a) (1st sentence), 60 Stat. 996. Aug. 10, 1946, ch. 952, § 7, 60 Stat. 996.

The words “now or hereafter”, in 10:948a, are omitted as surplusage. The words “computed under section 8925 of this title” are substituted for the words “active Federal service”, in 10:948, and “active Federal military service”, in 10:948a, since that revised section makes explicit the service covered. The words “be retired from” are substituted for the words “will be placed on the retired list of”, in 10:948. The words “completed a minimum”, in 10:948; and “the period of”, “be subject

to”, “period of”, and “now or after August 10, 1946”, in 10:948a; are omitted as surplusage.

#### AMENDMENTS

1994—Pub. L. 103-337 struck out at end “A regular enlisted member then becomes a member of the Air Force Reserve. A member retired under this section shall perform such active duty as may be prescribed by law until his service computed under section 8925 of this title, plus his inactive service as a member of the Air Force Reserve, equals 30 years.”

1980—Pub. L. 96-343 struck out “regular” before “enlisted members” in section catchline and substituted in text “an enlisted member” for “a regular enlisted member”, “A regular enlisted member” for “He”, and “Air Force Reserve. A member retired under this section” for “Air Force, and”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96-343, set out as a note under section 3914 of this title.

#### TEMPORARY EARLY RETIREMENT AUTHORITY

For provisions authorizing the Secretary of the Air Force, during the period beginning Oct. 23, 1992, and ending Oct. 1, 1995, to apply this section to an enlisted member with at least 15 but less than 20 years of service by substituting “at least 15” for “at least 20”, see section 4403 of Pub. L. 102-484, set out as a note under section 1293 of this title.

#### [§§ 8915, 8916. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section 8915, acts Aug. 10, 1956, ch. 1041, 70A Stat. 550; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(18), 71 Stat. 389; Sept. 30, 1966, Pub. L. 89-609, § 1(31), 80 Stat. 854; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115; Nov. 8, 1967, Pub. L. 90-130, § 1(32)(A), 89 Stat. 382, authorized the Secretary of the Air Force to defer the retirement of any Air Force nurse or medical specialist in the regular grade of major until the 30th day after the officer completes 28 years of service. See section 632 of this title.

Section 8916, acts Aug. 10, 1956, ch. 1041, 70A Stat. 550; Aug. 21, 1957, Pub. L. 85-155, title III, § 301(19), 71 Stat. 389, provided for retirement of a promotion-list lieutenant colonel, except as provided by section 8301 of title 5, on the 30th day after he completes 28 years of service, with authority for the Secretary of the Air Force to defer retirement in certain cases. See section 633 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

#### § 8917. Thirty years or more: regular enlisted members

A regular enlisted member of the Air Force who has at least 30 years of service computed under section 8925 of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 550.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8917 .....	10:947 (less proviso). 10:947a (less last 11 words).	Mar. 2, 1907, ch. 2515, § 1 (1st 35 words), 34 Stat. 1217. Feb. 14, 1895, ch. 67 (less 43d through 53d words); restated Sept. 30, 1890, ch. 1125 (less 43d through 53d words), 26 Stat. 504.

The word “regular” is inserted to conform to an opinion of the Judge Advocate General of the Army (JAGA 1953/2301, 23 Mar. 1953). The words “upon his request” are substituted for the words “upon making application to the President”, in 10:947, and “by application to the President”, in 10:947a. The words “either as a private or non-commissioned officer, or both”, in 10:947a, are omitted as surplusage. The words “shall be retired” are substituted for the words “be placed upon the retired list”, in 10:947, and “be placed on the retired list heretofore created”, in 10:947a. The words “computed under section 8925 of this title” are inserted for clarity. The 21 words before the proviso and the proviso of the Act of February 14, 1885, as restated, are not contained in 10:947a. They are also omitted from the revised section, since the proviso is executed and the 21 words before the proviso are omitted as covered by formula E of section 8991 of this title.

**§ 8918. Thirty years or more: regular commissioned officers**

A regular commissioned officer of the Air Force who has at least 30 years of service computed under section 8926 of this title may be retired upon his request, in the discretion of the President.

(Aug. 10, 1956, ch. 1041, 70A Stat. 550.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8918 .....	10:943.	R.S. 1243; Dec. 16, 1930, ch. 14, §1 (as applicable to R.S. 1243), 46 Stat. 1028.

The word “commissioned” is inserted, since the retirement of warrant officers for length of service is covered by section 1293 of this title. The word “regular” is inserted, since 10:943 is applicable historically only to officers of a regular component. The words “and placed on the retired list” are omitted as surplusage. The words “computed under section 8926 of this title” are inserted for clarity.

DELEGATION OF FUNCTIONS

Functions of President under this section to approve request of a regular commissioned officer of Air Force to retire after at least 30 years of service delegated to Secretary of Defense to perform, without approval, ratification, or other action by President, and with authority for Secretary to redelegate, see Ex. Ord. No. 12396, §§1(f), 3, Dec. 9, 1982, 47 F.R. 55897, 55898, set out as a note under section 301 of Title 3, The President.

**[§ 8919. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 551, authorized Secretary of Air Force, when he determined that there were too many commissioned officers on active list of Regular Air Force in any grade who have at least 30 years of service, to convene a board of at least five general officers of the Regular Air Force to make recommendations for retirement and to retire any officer so recommended.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 8920. More than thirty years: permanent professors and the Director of Admissions of the United States Air Force Academy**

(a) The Secretary of the Air Force may retire an officer specified in subsection (b) who has

more than 30 years of service as a commissioned officer.

(b) Subsection (a) applies in the case of the following officers:

(1) Any permanent professor of the United States Air Force Academy.

(2) The Director of Admissions of the United States Air Force Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 551; Pub. L. 104–106, div. A, title V, §509(b)(1), Feb. 10, 1996, 110 Stat. 298.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8920 .....	10:1079a(c) (proviso).	Aug. 7, 1947, ch. 512, §520(c) (proviso), 61 Stat. 912.

The word “retire” is substituted for the words “direct the retirement of”. The words “as a commissioned officer” are substituted for the word “commissioned”.

AMENDMENTS

1996—Pub. L. 104–106 substituted “permanent professors and the Director of Admissions” for “professors” in section catchline and amended text generally. Prior to amendment, text read as follows: “The Secretary of the Air Force may retire any permanent professor of the United States Air Force Academy who has more than 30 years of service as a commissioned officer.”

**§ 8921. Mandatory retirement: Superintendent of the United States Air Force Academy; waiver authority**

(a) MANDATORY RETIREMENT.—Upon the termination of the detail of an officer to the position of Superintendent of the United States Air Force Academy, the Secretary of the Air Force shall retire the officer under any provision of this chapter under which the officer is eligible to retire.

(b) WAIVER AUTHORITY.—The Secretary of Defense may waive the requirement in subsection (a) for good cause. In each case in which such a waiver is granted for an officer, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a written notification of the waiver, with a statement of the reasons supporting the decision that the officer not retire, and a written notification of the intent of the President to nominate the officer for reassignment.

(Added Pub. L. 106–65, div. A, title V, §532(a)(3)(A), Oct. 5, 1999, 113 Stat. 603; amended Pub. L. 108–375, div. A, title V, §541(a)(3), (c)(3)(A), Oct. 28, 2004, 118 Stat. 1902, 1904.)

PRIOR PROVISIONS

A prior section 8921, acts Aug. 10, 1956, ch. 1041, 70A Stat. 551; Nov. 2, 1966, Pub. L. 89–718, §3, 80 Stat. 1115, provided for retirement of a promotion-list colonel, except as provided by section 8301 of title 5, on 30th day after he completes 30 years of service or 5th anniversary of date of his appointment in that regular grade, whichever is later, with authority for Secretary of Air Force to defer retirement in certain cases, prior to repeal by Pub. L. 96–513, title II, §217(a), title VII, §701, Dec. 12, 1980, 94 Stat. 2886, 2995, effective Sept. 15, 1981.

AMENDMENTS

2004—Pub. L. 108–375 inserted “; waiver authority” after “Academy” in section catchline, designated exist-



ing provisions as subsec. (a), inserted heading, and added subsec. (b).

APPLICATION OF SECTION TO SUPERINTENDENTS SERVING  
ON OCTOBER 5, 1999

Section not applicable to an officer serving on Oct. 5, 1999, in the position of Superintendent of the United States Military Academy, Naval Academy, or Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service, see section 532(a)(5) of Pub. L. 106-65, set out as a note under section 3921 of this title.

**[§§ 8922, 8923. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]**

Section 8922, acts Aug. 10, 1956, ch. 1041, 70A Stat. 551; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided for retirement of a regular grade brigadier general, other than a professor of the United States Air Force Academy, except as provided by section 8301 of title 5, on 30th day after he completes 30 years of service or 5th anniversary of date of his appointment in that regular grade, whichever is later, with authority for Secretary of Air Force to defer retirement in certain cases. See section 635 of this title.

Section 8923, acts Aug. 10, 1956, ch. 1041, 70A Stat. 552; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided for retirement of a regular grade major general, except as provided by section 8301 of title 5, on 30th day after he completes 35 years of service or 5th anniversary of his appointment in that regular grade, whichever is later, with authority for Secretary of Air Force to defer retirement in certain cases. See section 636 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

**§ 8924. Forty years or more: Air Force officers**

(a) Except as provided in section 1186 of this title, a commissioned officer of the Air Force who has at least 40 years of service computed under section 8926 of this title shall be retired upon his request.

(b) Any warrant officer of the Air Force who has at least 40 years of service computed under section 8926(a) of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 552; Pub. L. 96-513, title V, § 504(18), Dec. 12, 1980, 94 Stat. 2917.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8924(a) .....	10:942 (as applicable to commissioned officers).	June 30, 1882, ch. 254 (last 21 words of 3d proviso under "Pay Department"), 22 Stat. 118.
8924(b) .....	10:942 (less applicability to commissioned officers).	

In subsection (a), the words "Except as provided in section 8786 of this title" are inserted, since, under that revised section, when board proceedings are pending against a commissioned officer, his right to retire under this revised section, which is otherwise absolute, is discretionary with the Secretary under that revised section.

In subsections (a) and (b), the words "or volunteer service, or both" are omitted as obsolete in accordance with an opinion of the Attorney General, 22 Ops. Atty. Gen. 199, Aug. 30, 1898, holding that such words refer to volunteer service in the Civil War. The words "upon his request" are substituted for the words "if he make application therefor to the President".

In subsection (b), the applicability of 10:942 to warrant officers is based on an opinion of the Judge Advocate General of the Army (JAGA 1950/6951, 4 Jan. 1951), which holds that 10:594 (less provisos) makes 10:942 applicable to warrant officers.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted "section 1186" for "section 8786".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

**§ 8925. Computation of years of service: voluntary retirement; enlisted members**

(a) For the purpose of determining whether an enlisted member of the Air Force may be retired under section 8914 or 8917 of this title, his years of service are computed by adding all active service in the armed forces.

(b) Time required to be made up under section 972(a) of this title may not be counted in computing years of service under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 552; Pub. L. 85-861, § 1(195), Sept. 2, 1958, 72 Stat. 1540; Pub. L. 96-343, § 9(b)(2), Sept. 8, 1980, 94 Stat. 1129; Pub. L. 99-348, title II, § 204(c), July 1, 1986, 100 Stat. 698; Pub. L. 101-189, div. A, title VI, § 652(a)(6), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 103-337, div. A, title VI, § 635(c)(1), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-106, div. A, title V, § 561(d)(4)(A), Feb. 10, 1996, 110 Stat. 323.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8925(a) .....	10:947 (proviso). 10:958.	Mar. 2, 1907, ch. 2515, § 1 (proviso), 34 Stat. 1218.
8925(b) .....	[No source].	Aug. 10, 1946, ch. 952, § 6(b), 60 Stat. 996.

In subsection (a), the words "active service" are substituted for the word "service", in 10:947, and "active Federal service performed", in 10:958, for uniformity. The words "service computed under section 8683 of this title" are inserted, since a person entitled to count service under that revised section might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

Subsection (b) is inserted because of section 8638 of this title and in accordance with long standing interpretation of the effect of 10:629 upon the computation of years of service for retirement.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8925 .....	[No source].	[No source].

The amendment reflects the repeal of section 8638 of this title and the enactment of a similar provision in section 972 of this title.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106 substituted "section 972(a)" for "section 972".

1994—Subsec. (a). Pub. L. 103-337, § 635(c)(1)(A), struck out "and of computing his retired pay under section 8991 of this title," after "8917 of this title,".

Subsec. (c). Pub. L. 103-337, § 635(c)(1)(B), struck out subsec. (c) which read as follows: "In determining a

member's years of service under subsection (a) for the purpose of computing the member's retired pay under section 8991 of this title—

“(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as  $\frac{1}{12}$  of a year; and

“(2) any remaining fractional part of a year shall be disregarded.”

1989—Subsec. (a). Pub. L. 101-189 struck out “and service computed under section 8683 of this title” before period at end.

1986—Subsec. (c). Pub. L. 99-348 added subsec. (c).

1980—Pub. L. 96-343, §9(b)(2)(B), struck out “regular” before “enlisted members” in section catchline.

Subsec. (a). Pub. L. 96-343, §9(b)(2)(A), substituted “an enlisted” for “a regular enlisted”.

1958—Subsec. (b). Pub. L. 85-861 substituted “section 972 of this title” for “section 8638 of this title”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96-343, set out as a note under section 3914 of this title.

### § 8926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers

(a) For the purpose of determining whether an officer of the Air Force may be retired under section 8911, 8918, or 8924 of this title, his years of service are computed by adding—

(1) all active service performed as a member of the Army or the Air Force; and

(2) all service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement.

(b) For the purpose of determining whether a medical officer of the Regular Air Force may be retired under section 8911, 8918, or 8924 of this title, his years of service are computed by adding to his service under subsection (a) all service performed as a contract surgeon, acting assistant surgeon, or contract physician, under a contract to serve full time and to take and change station as ordered.

(c) For the purpose of determining whether a dental officer of the Regular Air Force may be retired under section 8911, 8918, or 8924 of this title, his years of service are computed by adding to his service under subsection (a) all service as a contract dental surgeon or acting dental surgeon.

(d) Section 972(b) of this title excludes from computation of an officer's years of service for

purposes of this section any time identified with respect to that officer under that section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 552; Pub. L. 86-197, §1(8), Aug. 25, 1959, 73 Stat. 426; Pub. L. 101-189, div. A, title VI, §652(a)(7), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 104-106, div. A, title V, §561(d)(4)(B), Feb. 10, 1996, 110 Stat. 323.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8926(a) .....	10:951 (less applicability to 10:166g(a)). 10:951a. 10:951b (less applicability to 10:166g(a)). [Uncodified June 18, 1878, ch. 263, §7 (less applicability to 10:166g(a)), 20 Stat. 150.]	June 3, 1916, ch. 134, §127a (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended); added June 4, 1920, ch. 227, subch. I, §51 (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 41 Stat. 785. May 23, 1928, ch. 716, 45 Stat. 720. June 15, 1935, ch. 257 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 49 Stat. 377. June 18, 1878, ch. 263, §7 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 20 Stat. 150. May 29, 1928, ch. 902, 45 Stat. 996; Jan. 29, 1938, ch. 12, §2, 52 Stat. 8.
8926(b) .....	10:953a (1st sentence).	
8926(c) .....	10:953a (less 1st sentence).	

Subsection (a) consolidates the various service computation provisions applicable to voluntary retirement of commissioned officers. Clause (1) is substituted for 10:951. Clause (2) is substituted for 10:951b. The words “pay period and”, in 10:951a, are omitted as superseded by section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233). The words “longevity pay and”, in section 7 of the Act of June 18, 1878, ch. 263, 20 Stat. 150, are omitted for the same reason. The last sentence of section 7 of that act is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the Act of June 29, 1948, ch. 708, 62 Stat. 1084. Clause (3) is inserted, since a person entitled to count service under section 8683 of this title might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

In subsection (b), the words “as a member of the Medical Reserve Corps”, in 10:953a, are omitted as covered by subsection (a)(1). The words “are computed by adding to his service under subsection (a)” are substituted for the words “shall be credited to the same extent as service under a Regular Army commission”.

Subsection (c) is substituted for 10:953a (less 1st sentence).

#### AMENDMENTS

1996—Subsec. (d). Pub. L. 104-106 added subsec. (d).

1989—Subsec. (a)(1). Pub. L. 101-189, §652(a)(7)(A)(i), inserted “and” after semicolon at end.

Subsec. (a)(2). Pub. L. 101-189, §652(a)(7)(A)(ii), substituted period for semicolon at end.

Subsec. (a)(3), (4). Pub. L. 101-189, §652(a)(7)(A)(iii), struck out pars. (3) and (4) which read as follows:

“(3) all service computed under section 8683 of this title; and

“(4) if an officer of the Regular Air Force, all active service performed as an officer of the Philippine Constabulary.”

Subsec. (d). Pub. L. 101-189, §652(a)(7)(B), struck out subsec. (d) which read as follows: “For the purpose of determining whether an Air Force nurse or medical specialist may be retired under section 8911 of this

title, all service computed under section 8683 of this title, shall be treated as if it was service as a commissioned officer.”

1959—Subsec. (d). Pub. L. 86–197 added subsec. (d).

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104–106, set out as a note under section 972 of this title.

### [§ 8927. Repealed. Pub. L. 96–513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 553; Aug. 21, 1957, Pub. L. 85–155, title III, § 301(20), 71 Stat. 389; May 20, 1958, Pub. L. 85–422, § 11(a)(8), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85–861, § 1(196), 72 Stat. 1540; Sept. 30, 1966, Pub. L. 89–609, § 1(33), 80 Stat. 854, related to computation of years of service for determining whether a regular commissioned officer should be retired under section 8913, 8915, 8916, 8919, 8921, 8922, or 8923 of this title and for determining retired pay of officers of Regular Air Force retired under section 8913, 8915, 8916, 8919, 8921, 8922, or 8923 of this title. See section 1405 of this title.

#### EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96–513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

### [§ 8928. Repealed. Pub. L. 85–155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 554, related to computation of years of service of Air Force Nurses or women medical specialists for purposes of retirement under former section 8912 of this title, or retirement pay under section 8991 of this title.

### § 8929. Computation of retired pay: law applicable

A member of the Air Force retired under this chapter is entitled to retired pay computed under chapter 871 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8929 .....	[No source].	[No source].

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

## CHAPTER 869—RETIRED GRADE

Sec.	
8961.	General rule.
8962.	Higher grade for service in special positions.
8963.	Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
8964.	Higher grade after 30 years of service: warrant officers and enlisted members.
8965.	Restoration to former grade: retired warrant officers and enlisted members.
8966.	Retired lists.

#### AMENDMENTS

1996—Pub. L. 104–201, div. A, title V, § 532(c)(2), Sept. 23, 1996, 110 Stat. 2520, added item 8963.

1988—Pub. L. 100–456, div. A, title XII, § 1233(i)(2)(B), Sept. 29, 1988, 102 Stat. 2058, substituted “retired” for “Regular Air Force” in item 8965.

1987—Pub. L. 100–180, div. A, title V, § 512(e)(3), Dec. 4, 1987, 101 Stat. 1091, substituted “warrant officers and enlisted members” for “Air Force warrant officers; regular enlisted members” in item 8964.

1985—Pub. L. 99–145, title XIII, § 1301(d)(2)(B), Nov. 8, 1985, 99 Stat. 736, struck out item 8963 “Higher grade for service during certain periods: regular and reserve commissioned officers”.

1980—Pub. L. 96–343, § 13(b)(3), Sept. 8, 1980, 94 Stat. 1131, substituted “positions” for “positions: regular commissioned officers” in item 8962.

### § 8961. General rule

(a) The retired grade of a regular commissioned officer of the Air Force who retires other than for physical disability, and the retired grade of a reserve commissioned officer of the Air Force who retires other than for physical disability, is determined under section 1370 of this title.

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Air Force not covered by subsection (a) who retires other than for physical disability retires in the regular or reserve grade that he holds on the date of his retirement.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Pub. L. 96–513, title V, § 504(19), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 103–337, div. A, title XVI, § 1674(c)(2), Oct. 5, 1994, 108 Stat. 3016; Pub. L. 106–398, § 1 [[div. A], title V, § 506(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A–102.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8961 .....	10:941a(a)(3) (31st through 42d words; and proviso, as applicable to retired grade). 10:941a(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade). 10:947a (last 11 words).  10:1025.	Aug. 7, 1947, ch. 512, §§ 514(a)(3) (31st through 42d words; and proviso, as applicable to retired grade), 514(e) (17th through 25th words of clause (1); and 1st proviso of clause (1), as applicable to retired grade), 61 Stat. 902, 905.  Feb. 14, 1885, ch. 67 (43d through 53d words); re-stated Sept. 30, 1890, ch. 1125 (43d through 53d words), 26 Stat. 504. R.S. 1254.

The applicability of the rule stated in the revised section to situations not expressly covered by the laws named in the source credits above is necessarily implied from laws providing for retirement in higher grade in those situations.

#### AMENDMENTS

2000—Subsec. (a). Pub. L. 106–398 struck out “or for nonregular service under chapter 1223 of this title” before “”, is determined”.

1994—Subsec. (a). Pub. L. 103–337 substituted “chapter 1223” for “chapter 67”.

1980—Pub. L. 96–513 added subsec. (a), designated existing provisions as subsec. (b), and inserted “not covered by subsection (a)” after “a Regular or Reserve of the Air Force”.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–398 applicable to Reserve commissioned officers who are promoted to a higher grade as a result of selection for promotion by a board convened under chapter 36 or 1403 of this title, or having been found qualified for Federal recognition in a higher grade under chapter 3 of Title 32, National Guard, after Oct. 1, 1996, see section 1 [[div. A], title V,

§ 506(c)] of Pub. L. 106-398, set out as a note under section 3961 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

### § 8962. Higher grade for service in special positions

Upon retirement, any permanent professor of the United States Air Force Academy whose grade is below brigadier general, and whose service as such a professor has been long and distinguished, may, in the discretion of the President, be retired in the grade of brigadier general.

(Aug. 10, 1956, ch. 1041, 70A Stat. 554; Pub. L. 85-861, § 1(197), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 89-288, § 6, Oct. 22, 1965, 79 Stat. 1050; Pub. L. 96-343, § 13(b)(1), (2), Sept. 8, 1980, 94 Stat. 1131; Pub. L. 96-513, title V, § 504(20), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 104-106, div. A, title V, § 502(c), (d)(1), Feb. 10, 1996, 110 Stat. 293.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8962(a) .....	10:506b(d) (less 1st and last provisos).	Aug. 7, 1947, ch. 512, §§ 504(d) (less 1st and last provisos), 520(b) (less proviso), 61 Stat. 888, 912.
8962(b) .....	5:627b(h) (1st 42 words of 3d proviso).	June 12, 1948, ch. 449, § 303(h) (1st 42 words of 3d proviso), 62 Stat. 372.
8962(c) .....	10:1079a(b) (less proviso).	

In subsection (a), the words “who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Air Force, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title” are substituted for the words “while serving in accordance with the provisions of subsection (b) or (c) of this section”.

In subsection (b), the words “in that grade” are substituted for the words “in such higher temporary grade”. The words “under section 8071 of this title” are inserted for clarity.

In subsection (c), the words “Upon retirement” are substituted for the words “When \* \* \* is retired”. The word “allowances” is omitted, since retired officers are not entitled to allowances. The words “grade is below brigadier general” are inserted, since any permanent professor who has the grade of brigadier general retires in that grade under section 9335 of this title.

#### 1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8962 .....	[No source].	[No source].

The amendment reflects section 1 of the Act of May 31, 1956, ch. 348 (70 Stat. 222), which in effect amended section 8963 of this title to cover regular and reserve officers covered by section 8962(b). As to temporary officers, section 8962(b) is obsolete. (See opinion of the Judge Advocate General of the Air Force, May 2, 1957.)

#### AMENDMENTS

1996—Pub. L. 104-106 designated subsec. (b) as entire section and struck out subsec. (a) which read as follows: “Upon retirement, a commissioned officer of the Air Force who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Air Force, (3) as a senior member of the Military Staff Committee of the United Nations, or (4) as Surgeon General of the Air Force in the grade of lieutenant general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade in which he served on active duty.”

1980—Pub. L. 96-343, § 13(b)(2), substituted “positions” for “positions: regular commissioned officers” in section catchline.

Subsec. (a). Pub. L. 96-513 substituted “or (4)” for “(4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 8066 of this title, or (5)”.

Pub. L. 96-343, § 13(b)(1), substituted “Air Force who has” for “Regular Air Force who has” and “in which he served on active duty” for “held by him at any time on the active list”.

1965—Subsec. (a). Pub. L. 89-288 added the Surgeon General of the Air Force to the list of commissioned officers who may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by him at any time on the active list.

1958—Subsecs. (b), (c). Pub. L. 85-861 redesignated subsec. (c) as (b), and struck out former subsec. (b) which related to retirement grade of a woman Air Force officer who served at least two and one-half years on active duty in the temporary grade of colonel in the Air Force under section 8071 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### APPOINTMENT BY PRESIDENT OF RETIRED COMMISSIONED OFFICER OF RESERVE COMPONENT TO HIGHER RETIRED GRADE; RECALCULATION OF PAY

For authority of the President to appoint a retired commissioned officer of a reserve component to a higher retired grade and for recalculation of pay, see section 13(c) of Pub. L. 96-343, set out as a note under section 3962 of this title.

#### RETIRED GRADE FOR CERTAIN GENERAL OFFICERS

Extension of privilege granted by subsec. (a) of this section, to officers, heretofore or hereafter retired, who served in the grade of general or lieutenant general after Dec. 7, 1941, and before July 1, 1946, see section 38 of act Aug. 10, 1956, set out as a note under section 3962 of this title.

### § 8963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

(a) A Reserve enlisted member of the Air Force described in subsection (b) who is retired under section 8914 of this title shall be retired in the highest enlisted grade in which the member served on active duty satisfactorily (or, in the case of a member of the National Guard, in which the member served on full-time National Guard duty satisfactorily), as determined by the Secretary of the Air Force.

(b) This section applies to a Reserve enlisted member who—

(1) at the time of retirement is serving on active duty (or, in the case of a member of the National Guard, on full-time National Guard

duty) in a grade lower than the highest enlisted grade held by the member while on active duty (or full-time National Guard duty); and

(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Air Force.

(c) This section applies with respect to Reserve enlisted members who are retired under section 8914 of this title after September 30, 1996.

(Added Pub. L. 104-201, div. A, title V, § 532(c)(1), Sept. 23, 1996, 110 Stat. 2519.)

#### PRIOR PROVISIONS

A prior section 8963, acts Aug. 10, 1956, ch. 1041, 70A Stat. 555; Sept. 2, 1958, Pub. L. 85-861, § 1(156), (198), 72 Stat. 1513, 1541; Dec. 12, 1980, Pub. L. 96-513, title V, § 504(21), 94 Stat. 2917, related to higher grade for service during certain periods for regular and reserve commissioned officers, prior to repeal by Pub. L. 99-145, title XIII, § 1301(d)(2)(A), (C), Nov. 8, 1985, 99 Stat. 736, with such repeal not applicable in the case of an Air Force nurse or medical specialist described in section 8963 of this title, as such section was in effect on the day before Nov. 8, 1985.

#### § 8964. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each retired member of the Air Force covered by subsection (b) who is retired with less than 30 years of active service is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily (or, in the case of a member of the National Guard, in which he served on full-time duty satisfactorily), as determined by the Secretary of the Air Force.

(b) This section applies to—

- (1) warrant officers of the Air Force;
- (2) enlisted members of the Regular Air Force; and
- (3) reserve enlisted members of the Air Force who, at the time of retirement, are serving on active duty (or, in the case of members of the National Guard, on full-time duty).

(Aug. 10, 1956, ch. 1041, 70A Stat. 555; Pub. L. 85-861, § 1(198A), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 98-525, title V, § 533(c), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 100-180, div. A, title V, § 512(c), Dec. 4, 1987, 101 Stat. 1090.)

#### HISTORICAL AND REVISION NOTES

##### 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8964 .....	10:594 (1st proviso, less last 39 words; and last proviso). 10:1004 (less 30 words before proviso).	Aug. 21, 1941, ch. 384, § 5 (1st proviso, less last 39 words; and last proviso); restated June 29, 1948, ch. 708, § 203 (c) (1st proviso, less last 39 words; and last proviso), 62 Stat. 1085; May 29, 1954, ch. 249, § 19(f), 68 Stat. 167; June 29, 1948, ch. 708, § 203(e) (less 30 words before proviso), 62 Stat. 1086.

The words “when his active service plus his service on the retired list totals 30 years” are substituted for the words “upon the completion of thirty years’ [years

of] service, to include the sum of his active service and his service on the retired list”, in 10:594 and 1004. The words “under any provision of law”, in 10:594 and 1004; “officer, flight officer, or warrant officer”, in 10:594; and “commissioned, warrant, or enlisted”, in 10:1004; are omitted as surplusage. 10:594 (last proviso) and 1004 (proviso) are omitted as superseded by section 1372 of this title.

#### 1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8964 .....	10 App.:1004.	May 31, 1956, ch. 348, § 1, 70 Stat. 222.

#### AMENDMENTS

1987—Pub. L. 100-180 substituted “warrant officers and enlisted members” for “Air Force warrant officers; regular enlisted members” in section catchline, and amended text generally. Prior to amendment, text read as follows: “Each warrant officer of the Air Force, and each enlisted member of the Regular Air Force, who is retired before or after this title is enacted is entitled, when his active service plus his service on the retired list totals 30 years, to be advanced on the retired list to the grade that is equal to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Air Force.”

1984—Pub. L. 98-525 substituted “highest grade” for “highest temporary grade”.

1958—Pub. L. 85-861 struck out “after September 8, 1940 and before July 1, 1946” after “Secretary of the Air Force”.

#### EFFECTIVE DATE OF 1987 AMENDMENT

Amendment by Pub. L. 100-180 applicable to any reserve enlisted member who completes 30 years of service in Armed Forces before, on, or after Dec. 4, 1987, and no person to be paid retired pay at higher rate by reason of enactment of Pub. L. 100-180 for any period before Dec. 4, 1987, see section 512(f) of Pub. L. 100-180, set out as a note under section 3964 of this title.

#### § 8965. Restoration to former grade: retired warrant officers and enlisted members

Each retired warrant officer or enlisted member of the Air Force who has been advanced on the retired list to a higher commissioned grade under section 8964 of this title, and who applies to the Secretary of the Air Force within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant-officer or enlisted status, as the case may be.

(Aug. 10, 1956, ch. 1041, 70A Stat. 555; Pub. L. 100-180, div. A, title V, § 512(d)(3), Dec. 4, 1987, 101 Stat. 1090; Pub. L. 100-456, div. A, title XII, § 1233(i)(2)(A), Sept. 29, 1988, 102 Stat. 2058.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8965 .....	10:1006.	June 29, 1948, ch. 708, § 204, 62 Stat. 1086.

The words “hereafter”, “rank or”, and “shall thereafter be deemed to be enlisted or warrant officer personnel, as appropriate, for all purposes” are omitted as surplusage. The words “three months from June 29, 1948” and “whichever is later” are omitted as executed.

#### AMENDMENTS

1988—Pub. L. 100-456 substituted “retired” for “Regular Air Force” in section catchline.

1987—Pub. L. 100-180 struck out “Regular” before “Air Force who”.

**§ 8966. Retired lists**

(a) The Secretary of the Air Force shall maintain a retired list containing the name of each retired commissioned officer of the Regular Air Force.

(b) The Secretary shall maintain a retired list containing the name of—

(1) each person entitled to retired pay under any law providing retired pay for commissioned officers of the Air Force, other than of the Regular Air Force; and

(2) each retired warrant officer or enlisted member of the Air Force who is advanced to a commissioned grade.

(c) The Secretary shall maintain a retired list containing the name of each retired warrant officer of the Air Force.

(d) The Secretary shall maintain a retired list containing the name of each retired enlisted member of the Regular Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 556; Pub. L. 85-861, §1(199), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 100-180, div. A, title V, §512(d)(3), Dec. 4, 1987, 101 Stat. 1090.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8966(a) .....	10:1001.	June 29, 1948, ch. 708, §201, 301(a), 62 Stat. 1084, 1087.
8966(b) .....	10:1036.	
8966(c) .....	[No source].	
8966(d) .....	[No source].	

In subsections (a), (b), and (d), the word “maintain” is substituted for the word “establish”, and in subsection (c) the word “maintain” is substituted for the word “established”, since the lists have been established and are published annually.

In subsection (a), the words “Effective upon June 29, 1948” are omitted as executed. 10:1001 (last 12 words of 1st sentence, and last sentence) is omitted as no longer required, since, upon enactment of this title, laws referring to the limited or unlimited retired list will be expressly repealed.

In subsection (b), the word “shall” is substituted for the word “may”, since 10:1036 further requires that such a list be published annually in the Register. The requirement as to publication necessarily implies that the list must be maintained.

Subsection (b)(1) is substituted for the words “all commissioned officers and former commissioned officers \* \* \* or the Air Force of the United States, as the case may be \* \* \* or the Regular Air Force, heretofore or hereafter granted retirement pay under sections 456, 456a, and 1036a of this title, or any law hereafter enacted to provide retirement pay for commissioned officers \* \* \* or the Regular Air Force”.

In subsection (b)(2), the words “who is advanced to a commissioned grade” are substituted for the words “heretofore or hereafter retired under any provision of law who, by reason of service in temporary commissioned grades \* \* \* or the Air Force of the United States, or in any of the respective components thereof, are entitled to be retired with commissioned rank or grade”.

Subsections (c) and (d) are inserted, since sections 8964 and 8965 of this title refer to service on the retired list as a warrant officer or enlisted member.

1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8966(a) .....	10 App.:1001.	July 24, 1956, ch. 677, §2(f), (g), 70 Stat. 623.
8966(b) .....	10 App.:1036.	

## AMENDMENTS

1987—Subsec. (b)(2). Pub. L. 100-180 struck out “Regular” before “Air Force”.

1958—Pub. L. 85-861 struck out provisions in subssecs. (a) and (b) which required annual publication in official Air Force Register of the retired list.

**CHAPTER 871—COMPUTATION OF RETIRED PAY**

Sec.

8991. Computation of retired pay.

8992. Recomputation of retired pay to reflect advancement on retired list.

**§ 8991. Computation of retired pay**

(a) COMPUTATION.—

(1) FORMULA.—The monthly retired pay of a member entitled to such pay under this subtitle is computed by multiplying—

(A) the member’s retired pay base (as computed under section 1406(e) or 1407 of this title), by

(B) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

(2) ADDITIONAL 10 PERCENT FOR CERTAIN ENLISTED MEMBERS CREDITED WITH EXTRAORDINARY HEROISM.—If a member who is retired under section 8914 of this title has been credited by the Secretary of the Air Force with extraordinary heroism in the line of duty, the member’s retired pay shall be increased by 10 percent of the amount determined under paragraph (1) (but to not more than 75 percent of the retired pay base upon which the computation of such retired pay is based). The Secretary’s determination as to extraordinary heroism is conclusive for all purposes.

(b) GENERAL RULES.—

(1) USE OF MOST FAVORABLE FORMULA.—If a person would otherwise be entitled to retired pay computed under more than one formula in subsection (a) or the table in section 1401 of this title, he is entitled to be paid under the applicable formula that is most favorable to him.

(2) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (a), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(c) SPECIAL RULE FOR RETIRED RESERVE ENLISTED MEMBERS COVERED BY SECTION 8963.—In the case of a Reserve enlisted member retired under section 8914 of this title whose retired grade is determined under section 8963 of this title and who first became a member of a uniformed service before September 8, 1980, the retired pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the member’s retired grade (determined based upon the rates of basic pay applicable on the date of the member’s retirement), and that amount shall be used for the purposes of subsection (a)(1)(A) rather than the amount computed under section 1406(e) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 556; Pub. L. 85-155, title III, §301(22), Aug. 21, 1957, 71 Stat.

389; Pub. L. 85-422, §§6(6), (8), 11(a)(9), May 20, 1958, 72 Stat. 129, 131; Pub. L. 85-861, §1(199A), Sept. 2, 1958, 72 Stat. 1541; Pub. L. 87-651, title I, §127, Sept. 7, 1962, 76 Stat. 514; Pub. L. 88-132, §5(h)(2), Oct. 2, 1963, 77 Stat. 214; Pub. L. 90-207, §3(5), Dec. 16, 1967, 81 Stat. 654; Pub. L. 96-342, title VIII, §813(e), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 96-513, title V, §§504(22), 514(8), Dec. 12, 1980, 94 Stat. 2917, 2935; Pub. L. 98-94, title IX, §§922(a)(12), 923(a)(1), (2)(H), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 99-348, title II, §204(a), July 1, 1986, 100 Stat. 697; Pub. L. 103-337, div. A, title VI, §635(c)(2), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-201, div. A, title V, §532(d)(3), Sept. 23, 1996, 110 Stat. 2520.)

HISTORICAL AND REVISION NOTES  
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8991 Introductory paragraph.	10:941a(a)(3) (proviso, less applicability to retired grade).	R.S. 1274. Mar. 2, 1907, ch. 2515, §1 (less 1st 35 words, and less proviso), 34 Stat. 1217.
8991(A) ....	10:941a(e) (1st proviso of clause (1), less applicability to retired grade). 10:166(a) (less 1st 49 words; less 1st proviso; and less 1st 84 words of last proviso).	July 31, 1935, ch. 422, §5 (less 1st 101 words, and less 3d proviso); re-stated June 13, 1940, ch. 344, §3 (less 1st 45 words, and less 2d proviso), 54 Stat. 380; Aug. 7, 1947, ch. 512, §§514(g), 521(a), 61 Stat. 906, 912; June 29, 1948, ch. 708, §202 (less 1st 105 words), 62 Stat. 1084.
8991(B) ....	10:941a(a)(3) (less 31st through 42d words, and less proviso).	
8991(C) ....	10:941a(e) (clause (1), less 1st 25, and 59th through 113th words; and less 1st proviso).	
8991(D) ....	10:971. 10:971b (less 1st 100 words, and less 1st and 3d proviso).	Oct. 6, 1945, ch. 393, §4 (less 1st sentence; re-stated Aug. 10, 1946, ch. 952, §6(a) (less 1st sentence), 60 Stat. 996.
8991(E) ....	10:948 less (1st sentence, and less 1st and last provisos of last sentence).	Aug. 10, 1946, ch. 952, §6(c), 60 Stat. 996.
8991 Foot-note 1.	10:980.	Apr. 16, 1947, ch. 38, §108(a) (less 1st 49 words, and less 1st 84 words of last proviso), 61 Stat. 44.
8991 Foot-note 2.	10:506b(d) (1st proviso). 10:1079a(b) (proviso). 5:627b(h) (3d proviso, less 1st 42, and last 13, words).	Aug. 7, 1947, ch. 512, §504(d) (1st proviso), 514(a)(3) (less 31st through 42d words; and less proviso, less applicability to retired grade), 514(e) (clause (1), less 1st 25, and 59th through 93d words; and less 1st proviso, as applicable to retired grade), 520(b) (proviso), 61 Stat. 888, 902, 905, 912.
8991 Foot-note 3.	10:1002 (34 words before proviso and proviso).	June 12, 1948, ch. 449, §303(h) (3d proviso, less 1st 42, and last 13, words), 62 Stat. 372.
8991 Foot-note 4.	10:1003 (last 40 words). [No source]. 10:166(a) (1st proviso). 10:941a(e) (94th through 113th words of clause (1)).	June 29, 1948, ch. 708, §§203(a) (34 words before proviso, and proviso), 203(d) (last 40 words), 62 Stat. 1085.
8991 Foot-note 5.	10:948 (last proviso of last sentence). 10:971b (1st proviso). 37:272(d) (1st proviso). 10:948 (1st proviso of last sentence).	

In the introductory paragraph, the applicability of the rule stated in the third sentence to situations not expressly covered by the laws named in the source statutes above is a practical construction that the rule must be reciprocally applied in all cases.

In formula B, the words “basic pay” are substituted for the words “base and longevity pay” to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “his retired grade” are substituted for the words “permanent grade held at time of retirement” to reflect the right to higher retired grade when qualified under other provisions of law. 10:941a(e) (last proviso of clause (1)), is omitted, since, under section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233),

the active duty pay of all members of the Air Force is based upon years of service.

In formula C, the computation is based on monthly pay instead of annual pay to conform to the other formulas of the revised section. The words “basic pay” are substituted for the words “active duty base and longevity pay”, and the words “in determining his basic pay” are substituted for the words “for longevity pay purposes”, to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “Monthly basic pay of member’s retired grade” are substituted for the words “the rank upon which they are retired”, in 10:971, and “rank with which retired”, in 10:971b, to reflect their right to advancement on the retired list. 10:971 now applies only when the retiring officer has 30 or more years of service which may be credited in computing his retired pay. 10:971b (2d proviso) is omitted, since, under section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233), the pay of all members is based upon cumulative years of service. 10:971b (4th proviso) is omitted as executed. 10:971b (last proviso) is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the Act of June 29, 1948, ch. 708, 62 Stat. 1084. Sections 8918, 8920, and 8924 are included under this formula, since it achieves the same result as is reached on a basis of 30 years multiplied by 2½ percent, and simplifies the table.

In formulas D and E the words “credited under section 8925” are substituted for the words “active Federal service”, since that revised section makes explicit the service covered. The Act of August 10, 1946, ch. 952, §6(c), 60 Stat. 996, is not contained in 10:948. It is also omitted from the revised section as executed. 10:980 now applies only when the retiring enlisted member has at least 30 years of service which may be credited in computing his retired pay. However, as noted above, 10:980 is the only provision of law applicable to cases in which the retiring member has at least 30 years of service. The Act of June 16, 1942, ch. 413, §19 (63d through 75th words of 2d par.), 56 Stat. 369, repealed so much of the Act of March 2, 1907, ch. 2513, 34 Stat. 1217, as provided allowances for enlisted men on the retired list. The repeal of section 19 of the Act of June 16, 1942, by section 531(b)(34) of the Career Compensation Act of 1949, 63 Stat. 839, did not revive that portion of the Act of March 2, 1907, which had been repealed by the Act of June 16, 1942. Accordingly, the Act of March 2, 1907, as thus modified by the Act of June 16, 1942, is used as the basis for formula E.

Footnote 2 reflects the long-standing construction of those provisions dealing with computation of retired pay which do not specifically provide that the member is entitled to compute his retired pay on the basis of the monthly basic pay to which he would be entitled if he were on active duty in his retired grade. Except in cases covered by formula C, the pertinent basic computation provisions for such retirement either provide for computation of retired pay on the same basis as the provisions dealing with higher retired grade, or the basic retirement provisions were themselves enacted after the provisions authorizing higher retired grade. The provisos of 10:1002 and 1005 are omitted as surplusage, since no formula for the computation of retired pay includes inactive service on the retired list as a credit.

The words “at rates applicable on date of retirement and adjust to reflect later changes in permanent rates”, in footnote 2; and all of footnote 4; are based on the source statutes incorporated in the formulas to which footnotes 2 and 4 apply.

In footnote 4, the words “and disregard a part of a year that is less than six months” are made applicable to formulas A-E, although this part of the rule is expressed only as to formula B, in 10:941a(4)(1). The legislative history of the Career Compensation Act of 1949 (Hearings before the Committee on Armed Services of the Senate on H.R. 5007, 81st Congress, first session, p. 313, July 6, 1949) indicates that the provisions, upon which formulas A and C-E are based, should be con-

strued to require that a part of a year that is less than six months be disregarded.

## 1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8991 .....	[No source].	[No source].

The amendment reflects section 1(197) of the bill [amendment of section 8962 of title 10].

## 1962 ACT

The change corrects a cross-reference error.

## AMENDMENTS

1996—Subsec. (c). Pub. L. 104-201 added subsec. (c).

1994—Subsec. (a)(1). Pub. L. 103-337, § 635(c)(2)(A), amended par. (1) generally. Prior to amendment, par. (1) contained table which provided two formulas for computing retired pay for cases covered under sections 8911, 8914, 8917, 8918, 8920, and 8924 of this title.

Subsec. (b)(1). Pub. L. 103-337, § 635(c)(2)(B)(i), struck out “of the table” after “than one formula”.

Subsec. (b)(3). Pub. L. 103-337, § 635(c)(2)(B)(ii), struck out heading and text of par. (3). Text read as follows: “Section references in the table in subsection (a) are to sections of this title.”

1986—Pub. L. 99-348 amended section generally by completely revising the formula for computation of retired pay to provide that the retired pay base as computed under section 1406(e) or section 1407 be multiplied by the retired pay multiplier prescribed in section 1409 for years of service credited under section 1405 for sections 8911, 8918, 8920, and 8924 and for the years of service credited under section 8925 for sections 8914 and 8917, eliminated monthly basic pay of a member's retired grade or to which a member was entitled on the day before he retired multiplied by 2½ percent of the years of service credited, subject to footnotes 1 to 4, as the basis for computing retired pay, incorporated provisions of column 3 and footnote 5 into subsec. (a)(2), struck out column 4, which provided that the excess over 75% of pay upon which the computation is based be subtracted, eliminated footnotes 1 to 4, and added subsec. (b).

1983—Pub. L. 98-94, § 923(a)(1), (2)(H), in footnote 4 to table, substituted “Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

Pub. L. 98-94, § 922(a)(12), inserted “The amount computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

1980—Pub. L. 96-513, § 514(8), in heading for column 1 of table substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

Pub. L. 96-342 in heading for column 1 of table inserted provisions respecting applicability to persons after date of enactment of Department of Defense Authorization Act, 1981.

Pub. L. 96-513, § 504(22), in table struck out Formula A and redesignated Formulas B, C, and D as A, B, and C, respectively.

1967—Pub. L. 90-207 inserted “, or if the member has served as chief master sergeant of the Air Force, compute at the highest basic pay applicable to him while he so served, if such basic pay is greater” after “retirement” in footnote 3 of the table.

1963—Pub. L. 88-132 substituted in column 1 of Formula A in table “Monthly basic pay<sup>2</sup> of member's retired grade<sup>1</sup>” for “Monthly basic pay to which member would be entitled if he were on active duty in his retired grade<sup>1</sup>” and eliminated from footnote 2 to such table “and adjust to reflect later changes in applicable

permanent rates. However, if member's retired grade is determined under section 3963(a) or 3963(b), use pay to which member would be entitled if he were on active duty in his retired grade” after “date of retirement”.

1962—Pub. L. 87-651 substituted “section 8962(b)” for “section 8962(c)” in footnote 1.

1958—Formula B. Pub. L. 85-422, § 11(a)(9), substituted “credited to him under section 1405 of this title” for “credited to him in determining basic pay” in column 2.

Formula C. Pub. L. 85-422, § 6(8), substituted “Monthly basic pay to which member was entitled on day before he retired” for “Monthly basic pay to which member was entitled on date when he applied for retirement” in column 1.

Formula D. Pub. L. 85-422, § 6(8), substituted “Monthly basic pay to which member was entitled on day before he retired” for “Monthly basic pay of member's retired grade” in column 1.

Footnote 1. Pub. L. 85-422, § 6(6), permitted in case of an officer who has served as Chief of Staff, computation at highest rates of basic pay applicable to him while he served in that office.

Footnote 2. Pub. L. 85-861 struck out reference to section 8962(b).

1957—Pub. L. 85-155 redesignated formulas “B” to “E” of table as formulas “A” to “D”. Former formula “A”, which related to computation of retirement pay for persons retired under former sections 8881, 8882, and 8912 of this title, was repealed by such Pub. L. 85-155.

## EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

## EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 504(22) of Pub. L. 96-513 effective Sept. 15, 1981, and amendment by section 514(8) of Pub. L. 96-513 effective Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

## EFFECTIVE DATE OF 1967 AMENDMENT

Amendment by Pub. L. 90-207 effective Oct. 1, 1967, see section 7 of Pub. L. 90-207, set out as a note under section 203 of Title 37, Pay and Allowances of the Uniformed Services.

## EFFECTIVE DATE OF 1963 AMENDMENT

Amendment by Pub. L. 88-132 effective Oct. 1, 1963, see section 14 of Pub. L. 88-132, set out as a note under section 201 of Title 37, Pay and Allowances of the Uniformed Services.

## EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-422 effective on June 1, 1958, see section 9 of Pub. L. 85-422.

Amendment by Pub. L. 85-422 as inapplicable to retired persons or to persons to whom retired pay is granted before May 31, 1958, see note set out under section 3991 of this title.



COMPUTATION OF RETIRED PAY FOR CERTAIN ENLISTED  
MEMBERS RETIRED PRIOR TO JUNE 1, 1958

Members retired prior to June 1, 1958, authorized to include active service performed to the date of retirement as creditable service in computation of basic pay upon which retired pay is based, see Pub. L. 87-537, set out as a note under section 3991 of this title.

**§ 8992. Recomputation of retired pay to reflect advancement on retired list**

(a) ENTITLEMENT TO RECOMPUTATION.—An enlisted member or warrant officer of the Air Force who is advanced on the retired list under section 8964 of this title is entitled to recompute his retired pay in accordance with this section.

(b) FORMULA.—The monthly retired pay of a member entitled to recompute that pay under this section is computed by multiplying—

(1) the member's retired pay base (as computed under section 1406(e) or 1407 of this title), by

(2) the retired pay multiplier prescribed in section 1409 of this title for the number of years credited to the member under section 1405 of this title.

(c) ROUNDING TO NEXT LOWER DOLLAR.—The amount computed under subsection (b), if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(Aug. 10, 1956, ch. 1041, 70A Stat. 557; Pub. L. 96-342, title VIII, §813(e), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 96-513, title V, §514(8), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 97-295, §1(52), Oct. 12, 1982, 96 Stat. 1300; Pub. L. 98-94, title IX, §§922(a)(13), 923(a)(1), (2)(I), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 99-348, title II, §204(b), July 1, 1986, 100 Stat. 698; Pub. L. 103-337, div. A, title VI, §635(c)(3), Oct. 5, 1994, 108 Stat. 2789.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8992 .....	10:594 (last 39 words of 1st proviso). 10:1004 (30 words before proviso).	Aug. 21, 1941, ch. 384, § 5 (last 39 words of 1st proviso); restated June 29, 1948, ch. 708, §203(c) (last 39 words of 1st proviso), 62 Stat. 1085; May 29, 1954, ch. 249, §19(f), 68 Stat. 167; June 29, 1948, ch. 708, §203(e) (30 words before proviso), 62 Stat. 1086.

The words “basic pay \* \* \* as the case may be” are inserted to conform to the terminology of the Career Compensation Act of 1949, 63 Stat. 802 (37 U.S.C. 231 et seq.). The words “at the rate prescribed by law for his length of service”, in 10:1004, are omitted as covered by the words “base and longevity pay”. The words “base and longevity pay” are retained to cover the cases of members retired before the enactment of the Career Compensation Act of 1949, and advanced on the retired list after the enactment of that act. The words “and disregard a part of a year that is less than six months” are inserted to conform to footnote 4 of section 8991 of this title.

1982 ACT

This amends 10:8992 to correct an inadvertent error in the codification of title 10 in 1956 relating to retirement pay of warrant officers advanced on the retired list. For further details, see the explanation for amendment of 10:1405 made by section 1(17).

AMENDMENTS

1994—Pub. L. 103-337 amended section generally. Prior to amendment, section contained table with two formulas for recomputing retired pay of enlisted members and warrant officers of Air Force to reflect advancement on retired list.

1986—Pub. L. 99-348 revised table generally by striking out provision in column 1 that for a person who first became a member of a uniformed service, as defined in section 1407(a)(2), after Sept. 7, 1980, one multiplier is the monthly retired pay base as computed under section 1407(e), substituting in formulas A and B provision that the retired pay base as computed under section 1406(e) or 1407 of this title be multiplied by the retired pay multiplier prescribed in section 1409 of this title for the number of years credited for provisions that the monthly basic pay or base and longevity pay, as the case may be, subject to footnote 1, of the grade to which the member is advanced on the retired list be multiplied by 2½% of years of service credited, subject to footnote 2, and have subtracted from it the excess over 75% of pay upon which the computation is based, struck out footnote 1, which provided that the computation be at the rate applicable on the date of retirement, and redesignated footnote 2 as 1 and substituted “In determining retired pay multiplier” for “Before applying percentage factor” and “1/12” for “one-twelfth”.

1983—Pub. L. 98-94, §923(a)(1), (2)(I), in footnote 2 to table, substituted “Before applying percentage factor, credit each full month of service that is in addition to the number of full years of service creditable to the member as one-twelfth of a year and disregard any remaining fractional part of a month” for “Before applying percentage factor, credit a part of a year that is six months or more as a whole year, and disregard a part of a year that is less than six months”.

Pub. L. 98-94, §922(a)(13), inserted “The amount re-computed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”

1982—Pub. L. 97-295 inserted “enlisted” before “member of the Air Force” and formula B relating to warrant officers.

1980—Pub. L. 96-513 in heading for column 1 of table substituted “after September 7, 1980” for “on or after the date of the enactment of the Department of Defense Authorization Act, 1981”.

Pub. L. 96-342 in heading for column 1 of table inserted provisions respecting applicability to persons after date of enactment of Department of Defense Authorization Act, 1981.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by section 922 of Pub. L. 98-94 effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as a note under section 1401 of this title.

Amendment by section 923 of Pub. L. 98-94 applicable with respect to (1) the computation of retired or retainer pay of any individual who becomes entitled to that pay after Sept. 30, 1983, and (2) the recomputation of retired pay under this section, of any individual who after Sept. 30, 1983, becomes entitled to recompute retired pay under this section, see section 923(g) of Pub. L. 98-94, set out as a note under section 1174 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**CHAPTER 873—CIVILIAN EMPLOYEES**

Sec.

9021. Air University: civilian faculty members.  
[9022, 9023. Repealed.]
9025. Production of supplies and munitions: hours and pay of laborers and mechanics.
9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.

**AMENDMENTS**

2000—Pub. L. 106-398, §1 [[div. A], title V, §554(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-127, added item 9027.

1989—Pub. L. 101-189, div. A, title XI, §1124(d)(2), Nov. 29, 1989, 103 Stat. 1560, added item 9021.

1983—Pub. L. 98-94, title IX, §932(c)(2), Sept. 24, 1983, 97 Stat. 650, struck out item 9022 “Contract surgeons”.

1962—Pub. L. 87-651, title I, §128(2), Sept. 7, 1962, 76 Stat. 514, struck out item 9023 “Service club and library services”.

1958—Pub. L. 85-861, §1(200), Sept. 2, 1958, 72 Stat. 1541, struck out item 9021 “Appointment: professional and scientific services”.

**§ 9021. Air University: civilian faculty members**

(a) **AUTHORITY OF SECRETARY.**—The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at a school of the Air University as the Secretary considers necessary.

(b) **COMPENSATION OF FACULTY MEMBERS.**—The compensation of persons employed under this section shall be as prescribed by the Secretary.

(c) **APPLICATION TO CERTAIN FACULTY MEMBERS.**—(1) Except as provided in paragraph (2), this section shall apply with respect to persons who are selected by the Secretary for employment as professors, instructors, and lecturers at a school of the Air University after February 27, 1990.

(2) This section shall not apply with respect to professors, instructors, and lecturers employed at a school of the Air University if the duration of the principal course of instruction offered at that school is less than 10 months.

(Added Pub. L. 101-189, div. A, title XI, §1124(d)(1), Nov. 29, 1989, 103 Stat. 1559; amended Pub. L. 103-337, div. A, title X, §1070(a)(17), Oct. 5, 1994, 108 Stat. 2856.)

**PRIOR PROVISIONS**

A prior section 9021, act Aug. 10, 1956, ch. 1041, 70A Stat. 558, related to appointments in professional and scientific service, prior to repeal by Pub. L. 85-861, §36B(30), Sept. 2, 1958, 72 Stat. 1571.

**AMENDMENTS**

1994—Subsec. (c)(1). Pub. L. 103-337 substituted “after February 27, 1990” for “after the end of the 90-day period beginning on the date of the enactment of this section”.

**[§ 9022. Repealed. Pub. L. 98-94, title IX, § 932(c)(1), Sept. 24, 1983, 97 Stat. 650]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 558, authorized Secretary of the Air Force to employ contract surgeons in an emergency. See section 1091 of this title.

**EFFECTIVE DATE OF REPEAL**

Repeal effective Oct. 1, 1983, but with contracts entered into under the authority of this section before Oct. 1, 1983, which are in effect on Oct. 1, 1983, to remain in effect in accordance with the terms of such

contracts, see section 932(f) of Pub. L. 98-94, set out as an Effective Date note under section 1091 of this title.

**[§ 9023. Repealed. Pub. L. 87-651, title I, § 128(1), Sept. 7, 1962, 76 Stat. 514]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 558, related to employment of civilians in service club and library services.

**§ 9025. Production of supplies and munitions: hours and pay of laborers and mechanics**

During a national emergency declared by the President, the regular working hours of laborers and mechanics of the Department of the Air Force producing military supplies or munitions are 8 hours a day or 40 hours a week. However, under regulations prescribed by the Secretary of the Air Force these hours may be exceeded. Each laborer or mechanic who works more than 40 hours in a workweek shall be paid at a rate not less than one and one-half times the regular hourly rate for each hour in excess of 40.

(Aug. 10, 1956, ch. 1041, 70A Stat. 558.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9025 .....	5:189a.	July 2, 1940, ch. 508, §4 (b), 54 Stat. 714.

The words “Notwithstanding the provisions of any other law” are omitted as surplusage. The word “producing” is substituted for the words “who are engaged in the manufacture or production”. The last sentence is substituted for 5:189a (last 34 words).

**§ 9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests**

(a) **AUTHORITY.**—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.

(b) **AGENTS TO HAVE AUTHORITY.**—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.

(c) **GUIDELINES FOR EXERCISE OF AUTHORITY.**—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.

(Added Pub. L. 106-398, §1 [[div. A], title V, §554(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-127.)

**CHAPTER 875—MISCELLANEOUS INVESTIGATION REQUIREMENTS AND OTHER DUTIES**

Sec.  
9061. Fatality reviews.

**§ 9061. Fatality reviews**

(a) **REVIEW OF FATALITIES.**—The Secretary of the Air Force shall conduct a multidisciplinary, impartial review (referred to as a “fatality review”) in the case of each fatality known or suspected to have resulted from domestic violence or child abuse against any of the following:

- (1) A member of the Air Force on active duty.
- (2) A current or former dependent of a member of the Air Force on active duty.
- (3) A current or former intimate partner who has a child in common or has shared a common domicile with a member of the Air Force on active duty.

(b) **MATTERS TO BE INCLUDED.**—The report of a fatality review under subsection (a) shall, at a minimum, include the following:

- (1) An executive summary.
- (2) Data setting forth victim demographics, injuries, autopsy findings, homicide or suicide methods, weapons, police information, assailant demographics, and household and family information.
- (3) Legal disposition.
- (4) System intervention and failures, if any, within the Department of Defense.
- (5) A discussion of significant findings.
- (6) Recommendations for systemic changes, if any, within the Department of the Air Force and the Department of Defense.

(c) **OSD GUIDANCE.**—The Secretary of Defense shall prescribe guidance, which shall be uniform for the military departments, for the conduct of reviews by the Secretary under subsection (a).

(Added Pub. L. 108–136, div. A, title V, § 576(c)(1), Nov. 24, 2003, 117 Stat. 1488.)

**EFFECTIVE DATE**

Section applicable to fatalities that occur on or after Nov. 24, 2003, see section 576(d) of Pub. L. 108–136, set out as a note under section 4061 of this title.

**PART III—TRAINING**

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901.	Training Generally .....	9301
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905.	Aviation Leadership Program .....	9381
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909.	Civil Air Patrol .....	9441

**AMENDMENTS**

1993—Pub. L. 103–160, div. A, title XI, § 1178(c), Nov. 30, 1993, 107 Stat. 1769, added item for chapter 905.

1964—Pub. L. 88–647, title III, § 301(27), Oct. 13, 1964, 78 Stat. 1073, struck out chapter 905.

**CHAPTER 901—TRAINING GENERALLY**

Sec.	
9301.	Members of Air Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals.
9302.	Enlisted members of Air Force: schools.
9303.	Aviation cadets and aviation students: schools.

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9304.	Aviation students: detail of enlisted members of Air Force.
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9314a.	United States Air Force Institute of Technology: admission of defense industry civilians.
9315.	Community College of the Air Force: associate degrees.
[9316.	Repealed.]
9317.	Degree granting authority for Air University.
9319.	Recruit basic training: separate housing for male and female recruits.
9320.	Recruit basic training: privacy.

**AMENDMENTS**

2011—Pub. L. 111–383, div. A, title V, § 593(b), Jan. 7, 2011, 124 Stat. 4234, added item 9314a.

2008—Pub. L. 110–417, [div. A], title III, § 353(b), title V, § 543(h)(2), (i)(2), Oct. 14, 2008, 122 Stat. 4425, 4464, 4465, added items 9314 and 9317 and struck out former items 9314 “United States Air Force Institute of Technology”, 9316 “Training and support for A–10 aircraft”, and 9317 “Air University: conferral of degrees”.

2004—Pub. L. 108–375, div. A, title V, § 556(c)(2), Oct. 28, 2004, 118 Stat. 1915, substituted “conferral of degrees” for “graduate-level degrees” in item 9317.

1999—Pub. L. 106–65, div. A, title V, § 543(b)(2), Oct. 5, 1999, 113 Stat. 607, substituted “graduate-level degrees” for “master of airpower art and science” in item 9317.

1998—Pub. L. 105–261, div. A, title V, §§ 521(c)(2), 522(c)(2), Oct. 17, 1998, 112 Stat. 2012, 2013, added items 9319 and 9320.

1994—Pub. L. 103–337, div. A, title IX, § 913(a)(2), Oct. 5, 1994, 108 Stat. 2828, added item 9317.

1991—Pub. L. 102–190, div. A, title X, § 1061(a)(25), Dec. 5, 1991, 105 Stat. 1474, struck out section symbol before “9316” in item 9316.

1990—Pub. L. 101–510, div. A, title XIV, § 1439(d), Nov. 5, 1990, 104 Stat. 1689, added item 9316.

1985—Pub. L. 99–145, title V, § 504(a)(2)(B), Nov. 8, 1985, 99 Stat. 622, struck out “: degrees” after “Technology” in item 9314.

1976—Pub. L. 94–361, title VI, § 602, July 14, 1976, 90 Stat. 928, added item 9315.

**§ 9301. Members of Air Force: detail as students, observers, and investigators at educational institutions, industrial plants, and hospitals**

(a) The Secretary of the Air Force may detail members of the Air Force as students at such technical, professional, and other civilian educational institutions, or as students, observers, or investigators at such industrial plants, hospitals, and other places, as are best suited to enable them to acquire knowledge or experience in the specialties in which it is considered necessary that they perfect themselves.

(b) An officer, other than one of the Regular Air Force on the active-duty list, who is detailed under subsection (a) shall be ordered to additional active duty immediately upon termination of the detail, for a period at least as long as the detail. However, if the detail is for 90 days or less, the officer may be ordered to that additional duty only with his consent and in the discretion of the Secretary.

(c) No Reserve of the Air Force may be detailed as a student, observer, or investigator, or ordered to active duty under this section, without his consent and, if a member of the Air Na-

tional Guard of the United States, without the approval of the governor or other appropriate authority of the State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands of whose Air National Guard he is a member.

(d) The Secretary may require, as a condition of a detail under subsection (a), that an enlisted member accept a discharge and be reenlisted in his component for at least three years.

(e) The total length of details of an enlisted member of the Air Force under subsection (a) during one enlistment period may not exceed 50 percent of that enlistment.

(f) At no time may more than 8 percent of the authorized strength in commissioned officers, 8 percent of the authorized strength in warrant officers, or 2 percent of the authorized strength in enlisted members, of the Regular Air Force, or more than 8 percent of the actual strength in commissioned officers, 8 percent of the actual strength in warrant officers, or 2 percent of the actual strength in enlisted members, of the total of reserve components of the Air Force, be detailed as students under subsection (a). For the purposes of this subsection, the actual strength of each category of Reserves includes both members on active duty and those not on active duty.

(g) Expenses incident to the detail of members under this section shall be paid from any funds appropriated for the Department of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 559; Pub. L. 93-169, Nov. 29, 1973, 87 Stat. 689; Pub. L. 96-513, title V, § 504(23), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 100-456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 109-163, div. A, title X, § 1057(a)(9), Jan. 6, 2006, 119 Stat. 3441.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9301(a) .....	5:626q (1st 78 words).	June 3, 1916, ch. 134,
9301(b) .....	5:626q (less 1st 78 words, and less provisos).	§ 127a (13th par.); added June 4, 1920, ch. 227, subch. I, § 51 (13th par.); restated June 8, 1926, ch. 495; May 13, 1941, ch. 113; June 30, 1941, ch. 262 (4th proviso under "Finance Department"); restated June 19, 1948, ch. 501, § 1, 62 Stat. 477.
9301(c) .....	5:626q (1st proviso).	June 19, 1948, ch. 501, §§ 2, 3, 62 Stat. 478.
9301(d) .....	5:626q (words of 2d proviso before semicolon).	
9301(e) .....	5:626q (words of 2d proviso after semicolon).	
9301(f) .....	5:626q (last proviso).	
9301(g) .....	5:626r.	

In subsection (a), the words "members of the Air Force" are substituted for the words "personnel of the Air Force of the United States, without regard to component".

In subsection (b), the words "is detailed under subsection (a)" are substituted for the words "receives such instruction". The words "as long as the detail" are substituted for the words "equal to the duration of his period of instruction". The words "However, if the detail is for" are substituted for the words "except that where the duration of such training is". The words "other than one of the Regular Air Force on the active list" are inserted, since members of the Regular Air Force on the active list are on continuous active duty. The word "additional" is inserted, since the detail under this section is active duty. The words "the officer may be ordered to that additional duty" are substituted for the words "such subsequent active duty may \* \* \* the officer concerned".

In subsection (c), the words "of whose Air National Guard he is a member" are substituted for the words "whichever is concerned".

In subsection (d), the words "as a condition of a detail under subsection (a)" are substituted for the words "prior to his detail pursuant to the provisions of this paragraph". The words "accept the discharge" are substituted for the words "be discharged".

In subsection (e), the words "during an enlistment" are inserted for clarity.

In subsection (f), the last sentence is substituted for 5:626q (words within parentheses of last proviso).

In subsection (g), the words "under this section" are substituted for 5:626r (9th through 41st words).

#### AMENDMENTS

2006—Subsec. (c). Pub. L. 109-163 substituted "State, the Commonwealth of Puerto Rico, the District of Columbia, Guam, or the Virgin Islands" for "State or Territory, Puerto Rico, or the District of Columbia".

1988—Subsec. (c). Pub. L. 100-456 struck out "the Canal Zone," after "Puerto Rico,".

1980—Subsec. (b). Pub. L. 96-513 substituted "active-duty list" for "active list".

1973—Subsec. (b). Pub. L. 93-169 struck out provisions which limited to four years the maximum period for which an officer detailed for additional active duty upon termination of detail is required to serve.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### § 9302. Enlisted members of Air Force: schools

(a) So far as consistent with the requirements of military training and service, and under regulations to be prescribed by the Secretary of the Air Force with the approval of the President, enlisted members of the Air Force shall be permitted to study and receive instruction to increase their military efficiency and to enable them to return to civilian life better equipped for industrial, commercial, and business occupations. Part of this instruction may be vocational education in agriculture or the mechanic arts. Civilian teachers may be employed to aid Air Force officers in this instruction.

(b) Schools for the instruction of enlisted members of the Air Force in the common branches of education, including United States history, shall be maintained at all air bases at which members of the Air Force are stationed. The Secretary may detail members of the Air Force to carry out this subsection. The commander of each air base where schools are maintained under this subsection shall provide a suitable room or building for school and religious purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9302(a) .....	10:1176.	June 3, 1916, ch. 134, § 27
9302(b) .....	10:1172.	(last par.), 39 Stat. 186. R.S. 1231.

In subsection (a), the first 12 words are substituted for 10:1176 (1st 5, and last 18, words). The words "and the Secretary of the Army shall have the power at all times to suspend, increase, or decrease the amount of such instruction offered" are omitted as surplusage.

In subsection (b), the words "garrisons, and permanent camps" are omitted as covered by the word

“posts”. The word “including” is substituted for the words “and especially in”. The word “members” is substituted for the words “officers and enlisted men”. The words “as may be necessary”, “It \* \* \* be the duty”, and “or garrison” are omitted as surplusage.

#### DELEGATION OF FUNCTIONS

Functions of President under subsec. (a) of this section delegated to Secretary of Defense, see section 1(6) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

### § 9303. Aviation cadets and aviation students: schools

The Secretary of the Air Force shall establish and maintain—

(1) one or more schools for the training and instruction of aviation cadets; and

(2) courses of instruction for aviation students at one or more established flying schools.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9303 .....	10:296. 10:296a.	July 11, 1919, ch. 8 (2d par. under “Air Service”), 41 Stat. 109. June 3, 1941, ch. 165, § 2, 55 Stat. 239.

### § 9304. Aviation students: detail of enlisted members of Air Force

The Secretary of the Air Force may detail enlisted Regulars of the Air Force, and enlisted Reserves of the Air Force who are on active duty, for training and instruction as aviation students in their respective grades at schools selected by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9304 .....	10:298a–1.	June 3, 1941, ch. 167, 55 Stat. 241.

The words “under such regulations as he may prescribe” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. 10:298a–1 (1st proviso) is omitted as impliedly repealed by section 10 of the Insurance Act of 1951, ch. 39, 65 Stat. 36. 10:298a–1 (last proviso) is omitted as surplusage. The words “active duty” are substituted for the words “active Federal service”.

### § 9305. Civilian flying school instructors: instruction at Air Force training commands

(a) The Secretary of the Air Force may provide for the instruction and training, at Air Force training commands, of civilians selected from the instructional staffs of civilian flying schools that are accredited by the Department of the Air Force for the education and training of members of the Air Force.

(b) The training of civilians under subsection (a) shall be without cost to the United States, except for supplies necessary for training purposes.

(c) A civilian undergoing training under subsection (a) may be treated in a Government hos-

pital if he becomes sick or is injured. However, that treatment shall be without cost to the United States except for services of Government medical personnel and the use of hospital equipment other than medicine or supplies.

(d) No civilian who sustains a personal injury, and no dependent of a civilian who dies of disease or injury, while undergoing training under subsection (a), is entitled to any compensation, pension, or gratuity for that injury or death.

(Aug. 10, 1956, ch. 1041, 70A Stat. 560.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9305(a) .....	10:292c–1 (less provisos).	Apr. 3, 1939, ch. 35, § 3, 53 Stat. 556.
9305(b) .....	10:292c–1 (1st proviso).	
9305(c) .....	10:292c–1 (2d proviso).	
9305(d) .....	10:292c–1 (last proviso).	

In subsection (a), the words “under such rules and regulations as he may prescribe” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “Air Force training commands” are substituted for the words “the Air Corps Training Center”, since those commands now perform the functions formerly performed by the Air Corps Training Center. The words “in his discretion”, “experience”, and “upon their own applications” are omitted as surplusage. The words “and may provide for the instruction and training” are substituted for the words “is authorized to enroll as students \* \* \* for the pursuit of such courses of instruction as may be prescribed therefor”.

In subsection (b), the words “the furnishing of such” are omitted as surplusage. The words “matériel, or equipment” are omitted as covered by the word “supplies”, as defined in section 101(26) of this title.

In subsection (c), the word “Government” is substituted for the words “Medical Department” to conform to the first sentence of the revised subsection.

### § 9306. Service schools: leaves of absence for instructors

The officer in charge of an Air Force service school may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to any officer on duty exclusively as an instructor at the school.

(Aug. 10, 1956, ch. 1041, 70A Stat. 561.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9306 .....	10:843.	Mar. 23, 1910, ch. 115 (proviso under “United States Service Schools”), 36 Stat. 244.

The words “The provisions of section 1144 of this title, authorizing leaves of absence to certain officers of the Military Academy \* \* \* are hereby extended to include” are omitted as surplusage.

### § 9314. Degree granting authority for United States Air Force Institute of Technology

(a) AUTHORITY.—Under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the United States Air Force Institute of Technology, confer appropriate degrees upon graduates of the United States Air Force Institute of Technology who meet the degree requirements.

(b) **LIMITATION.**—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accordance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the United States Air Force Institute of Technology is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) **CONGRESSIONAL NOTIFICATION REQUIREMENTS.**—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the United States Air Force Institute of Technology to award any new or existing degree.

(d) **CIVILIAN FACULTY.**—(1) The Secretary of the Air Force may employ as many civilian faculty members at the United States Air Force Institute of Technology as is consistent with the needs of the Air Force and with Department of Defense personnel limits.

(2) The Secretary shall prescribe regulations determining—

(A) titles and duties of civilian members of the faculty; and

(B) pay of civilian members of the faculty, notwithstanding chapter 53 of title 5, but subject to the limitation set out in section 5373 of title 5.

(e) **REIMBURSEMENT AND TUITION.**—(1) The Department of the Army, the Department of the Navy, and the Department of Homeland Security shall bear the cost of the instruction at the Air Force Institute of Technology that is received by members of the armed forces detailed for that instruction by the Secretaries of the Army, Navy, and Homeland Security, respectively.

(2) Members of the Army, Navy, Marine Corps, and Coast Guard may only be detailed for in-

struction at the Institute on a space-available basis.

(3) In the case of an enlisted member of the Army, Navy, Marine Corps, and Coast Guard permitted to receive instruction at the Institute, the Secretary of the Air Force shall charge that member only for such costs and fees as the Secretary considers appropriate (taking into consideration the admission of enlisted members on a space-available basis).

(4)(A) The Institute shall charge tuition for the cost of providing instruction at the Institute for any civilian employee of a military department (other than a civilian employee of the Department of the Air Force), of another component of the Department of Defense, or of another Federal agency who receives instruction at the Institute.

(B) The cost of any tuition charged an individual under this paragraph shall be borne by the department, agency, or component sending the individual for instruction at the Institute.

(5) Amounts received by the Institute for the instruction of students under this subsection shall be retained by the Institute. Such amounts shall be available to the Institute to cover the costs of such instruction. The source and disposition of such amounts shall be specifically identified in the records of the Institute.

(f) **ACCEPTANCE OF RESEARCH GRANTS.**—(1) The Secretary of the Air Force may authorize the Commandant of the United States Air Force Institute of Technology to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Institute for a scientific, literary, or educational purpose.

(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(4) The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant of the Institute shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Institute may be used to pay expenses incurred by the Institute in applying for, and otherwise pursuing, the award of qualifying research grants.

(6) The Secretary shall prescribe regulations for the administration of this subsection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 561; Pub. L. 99-145, title V, § 504(a)(1), (2)(A), Nov. 8, 1985, 99 Stat. 622; Pub. L. 99-661, div. A, title V, § 510, Nov. 14, 1986, 100 Stat. 3868; Pub. L. 101-509, title V, § 529 [title I, § 106(b)(6)(C)], Nov. 5, 1990, 104 Stat. 1427, 1440; Pub. L. 105-261, div. A, title XI, § 1102, Oct. 17, 1998, 112 Stat. 2141; Pub. L. 108-136, div. A, title V, § 533, Nov. 24, 2003, 117 Stat. 1473;

Pub. L. 109-163, div. A, title V, § 522(e), Jan. 6, 2006, 119 Stat. 3243; Pub. L. 110-417, [div. A], title V, §§ 543(h)(1), 544, Oct. 14, 2008, 122 Stat. 4463, 4465.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9314 .....	[Uncodified].	Aug. 31, 1954, ch. 1151, 68 Stat. 1006.

#### AMENDMENTS

2008—Pub. L. 110-417, § 543(h)(1), amended section generally. Prior to amendment, section consisted of subsections (a) to (d) relating to conferral of degrees, civilian faculty, costs of instruction, and research grants at the United States Air Force Institute of Technology.

Subsec. (e)(4), (5). Pub. L. 110-417, § 544, added pars. (4) and (5).

2006—Subsec. (d). Pub. L. 109-163 added subsec. (d).

2003—Subsec. (a). Pub. L. 108-136, § 533(b)(1), (c), inserted heading, designated existing provisions as par. (1), substituted “The Commander” for “When the United States Air Force Institute of Technology is accredited by a nationally recognized accreditation association or authority, the Commander” and “the United States Air Force Institute of Technology” for “that Institute”, and added par. (2).

Subsec. (b). Pub. L. 108-136, § 533(b)(2), inserted heading.

Subsec. (c). Pub. L. 108-136, § 533(a), added subsec. (c). 1998—Subsec. (b)(2)(B). Pub. L. 105-261 substituted “section 5373” for “section 5306(e)”.

1990—Subsec. (b)(2)(B). Pub. L. 101-509 substituted “5306(e)” for “5308”.

1986—Subsec. (b)(2)(B). Pub. L. 99-661 struck out “rates of basic” before “pay of civilian”.

1985—Pub. L. 99-145, § 504(a)(2)(A), struck out “: degrees” after “Technology” in section catchline.

Subsecs. (a), (b). Pub. L. 99-145, § 504(a)(1), designated existing provisions as subsec. (a) and added subsec. (b).

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by section 543(h)(1) of Pub. L. 110-417 applicable to any degree granting authority established, modified, or redesignated on or after Oct. 14, 2008, for an institution of professional military education referred to in such amendment, see section 543(j) of Pub. L. 110-417, set out as a note under section 2161 of this title.

#### EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-509 effective on such date as the President shall determine, but not earlier than 90 days, and not later than 180 days, after Nov. 5, 1990, see section 529 [title III, § 305] of Pub. L. 101-509, set out as a note under section 5301 of Title 5, Government Organization and Employees.

#### CIVILIAN MEMBERS OF FACULTY OF AIR FORCE INSTITUTE OF TECHNOLOGY ON NOVEMBER 8, 1985

Subsec. (b)(2) of this section not applicable to persons who, on Nov. 8, 1985, were civilian members of the faculty of the Air Force Institute of Technology, were being paid a rate of basic pay under the General Schedule, and elected under procedures prescribed by the Secretary of the Air Force to continue to be paid under the General Schedule, see section 504(c) of Pub. L. 99-145, set out as a note under section 5102 of Title 5, Government Organization and Employees.

#### § 9314a. United States Air Force Institute of Technology: admission of defense industry civilians

(a) ADMISSION AUTHORIZED.—(1) The Secretary of the Air Force may permit defense industry

employees described in subsection (b) to receive instruction at the United States Air Force Institute of Technology in accordance with this section. Any such defense industry employee may be enrolled in, and may be provided instruction in, a program leading to a graduate degree in a defense focused curriculum related to aeronautics and astronautics, electrical and computer engineering, engineering physics, mathematics and statistics, operational sciences, or systems and engineering management.

(2) No more than 125 defense industry employees may be enrolled at the United States Air Force Institute of Technology at any one time under the authority of paragraph (1).

(3) Upon successful completion of the course of instruction at the United States Air Force Institute of Technology in which a defense industry employee is enrolled, the defense industry employee may be awarded an appropriate degree under section 9314 of this title.

(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the United States Air Force Institute of Technology remains eligible for such instruction only so long as that person remains employed by the same firm.

(c) ANNUAL DETERMINATION BY THE SECRETARY OF THE AIR FORCE.—Defense industry employees may receive instruction at the United States Air Force Institute of Technology during any academic year only if, before the start of that academic year, the Secretary of the Air Force, or the designee of the Secretary, determines that providing instruction to defense industry employees under this section during that year—

(1) will further the military mission of the United States Air Force Institute of Technology; and

(2) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.

(d) PROGRAM REQUIREMENTS.—The Secretary of the Air Force shall ensure that—

(1) the curriculum in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on the areas of focus specified in subsection (a)(1) that are conducted by military organizations and defense contractors working in close cooperation; and

(2) the course offerings at the United States Air Force Institute of Technology continue to be determined solely by the needs of the Department of Defense.

(e) TUITION.—(1) The United States Air Force Institute of Technology shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Air Force.

(2) Amounts received by the United States Air Force Institute of Technology for instruction of

students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.

(f) **STANDARDS OF CONDUCT.**—While receiving instruction at the United States Air Force Institute of Technology, defense industry employees enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.

(Added Pub. L. 111-383, div. A, title V, § 593(a), Jan. 7, 2011, 124 Stat. 4232.)

**§ 9315. Community College of the Air Force: associate degrees**

(a) **ESTABLISHMENT AND MISSION.**—There is in the Air Force a Community College of the Air Force. Such college, in cooperation with civilian colleges and universities, shall—

(1) prescribe programs of higher education for enlisted members described in subsection (b) designed to improve the technical, managerial, and related skills of such members and to prepare such members for military jobs which require the utilization of such skills; and

(2) monitor on a continuing basis the progress of members pursuing such programs.

(b) **MEMBERS ELIGIBLE FOR PROGRAMS.**—Subject to such other eligibility requirements as the Secretary concerned may prescribe, the following members of the armed forces are eligible to participate in programs of higher education under subsection (a)(1):

(1) Enlisted members of the Air Force.

(2) Enlisted members of the armed forces other than the Air Force who are serving as instructors at Air Force training schools.

(c) **ASSOCIATE DEGREES.**—(1) Subject to paragraph (2), an academic degree at the level of associate may be conferred under section 9317 of this title upon any enlisted member who has completed a program prescribed by the Community College of the Air Force.

(2) No degree may be conferred upon any enlisted member under this section unless the Secretary of Education determines that the standards for the award of academic degrees in agencies of the United States have been met.

(Added Pub. L. 94-361, title VI, § 602, July 14, 1976, 90 Stat. 928; amended Pub. L. 96-513, title V, § 514(9), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 103-160, div. A, title XI, § 1182(a)(12), Nov. 30, 1993, 107 Stat. 1772; Pub. L. 104-106, div. A, title X, § 1078(a), Feb. 10, 1996, 110 Stat. 451; Pub. L. 105-85, div. A, title V, § 552(a), (b), Nov. 18, 1997, 111 Stat. 1748; Pub. L. 108-375, div. A, title V, § 556(b), Oct. 28, 2004, 118 Stat. 1915.)

**AMENDMENTS**

2004—Subsec. (c). Pub. L. 108-375 amended heading and text generally. Prior to amendment, text read as follows:

“(1) Subject to paragraph (2), the commander of the Air Education and Training Command of the Air Force may confer an academic degree at the level of associate upon any enlisted member who has completed the pro-

gram prescribed by the Community College of the Air Force.

“(2) No degree may be conferred upon any enlisted member under this section unless (A) the Community College of the Air Force certifies to the commander of the Air Education and Training Command of the Air Force that such member has satisfied all the requirements prescribed for such degree, and (B) the Secretary of Education determines that the standards for the award of academic degrees in agencies of the United States have been met.”

1997—Subsec. (a). Pub. L. 105-85, § 552(b)(1), inserted heading.

Subsec. (a)(1). Pub. L. 105-85, § 552(a)(1), substituted “enlisted members described in subsection (b)” for “enlisted members of the Air Force”.

Subsec. (b). Pub. L. 105-85, § 552(a)(4), added subsec. (b). Former subsec. (b) redesignated subsec. (c)(1).

Subsec. (c). Pub. L. 105-85, § 552(a)(2), (3), (b)(2), redesignated subsec. (b) as subsec. (c)(1), inserted subsec. heading, substituted “Subject to paragraph (2),” for “Subject to subsection (c),”, and redesignated former subsec. (c) as subsec. (c)(2) and pars. (1) and (2) of former subsec. (c) as subpars. (A) and (B), respectively, of subsec. (c)(2).

1996—Subsec. (a)(1). Pub. L. 104-106 substituted “Air Force” for “armed forces”.

1993—Subsec. (b). Pub. L. 103-160, § 1182(a)(12)(A), substituted “Air Education and Training Command” for “Air Training Command”.

Subsec. (c). Pub. L. 103-160, § 1182(a)(12)(B), substituted “Air Education and Training Command of the Air Force” for “Air Force Training Command”.

1980—Subsec. (c). Pub. L. 96-513 substituted “Secretary of Education” for “Commissioner of Education of the Department of Health, Education, and Welfare”.

**EFFECTIVE DATE OF 1997 AMENDMENT**

Section 552(c) of Pub. L. 105-85 provided that: “Subsection (b) of section 9315 of such title, as added by subsection (a)(4), applies with respect to enrollments in the Community College of the Air Force after March 31, 1996.”

**EFFECTIVE DATE OF 1996 AMENDMENT**

Section 1078(b) of Pub. L. 104-106 provided that: “The amendment made by subsection (a) [amending this section] shall apply with respect to enrollments in the Community College of the Air Force after March 31, 1996.”

**EFFECTIVE DATE OF 1980 AMENDMENT**

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**[§ 9316. Repealed. Pub. L. 110-417, [div. A], title III, § 353(a), Oct. 14, 2008, 122 Stat. 4425]**

Section, added Pub. L. 101-510, div. A, title XIV, § 1439(c), Nov. 5, 1990, 104 Stat. 1689, related to training and support for A-10 aircraft.

**§ 9317. Degree granting authority for Air University**

(a) **AUTHORITY.**—Except as provided in sections 9314 and 9315 of this title, under regulations prescribed by the Secretary of the Air Force, the commander of the Air University may, upon the recommendation of the faculty of the Air University components, confer appropriate degrees upon graduates who meet the degree requirements.

(b) **LIMITATION.**—A degree may not be conferred under this section unless—

(1) the Secretary of Education has recommended approval of the degree in accord-



ance with the Federal Policy Governing Granting of Academic Degrees by Federal Agencies; and

(2) the Air University is accredited by the appropriate civilian academic accrediting agency or organization to award the degree, as determined by the Secretary of Education.

(c) CONGRESSIONAL NOTIFICATION REQUIREMENTS.—(1) When seeking to establish degree granting authority under this section, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives—

(A) a copy of the self assessment questionnaire required by the Federal Policy Governing Granting of Academic Degrees by Federal Agencies, at the time the assessment is submitted to the Department of Education's National Advisory Committee on Institutional Quality and Integrity; and

(B) the subsequent recommendations and rationale of the Secretary of Education regarding the establishment of the degree granting authority.

(2) Upon any modification or redesignation of existing degree granting authority, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing the rationale for the proposed modification or redesignation and any subsequent recommendation of the Secretary of Education on the proposed modification or redesignation.

(3) The Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report containing an explanation of any action by the appropriate academic accrediting agency or organization not to accredit the Air University to award any new or existing degree.

(Added Pub. L. 103-337, div. A, title IX, §913(a)(1), Oct. 5, 1994, 108 Stat. 2828; amended Pub. L. 106-65, div. A, title V, §543(a), (b)(1), Oct. 5, 1999, 113 Stat. 607; Pub. L. 108-375, div. A, title V, §556(a), (c)(1), Oct. 28, 2004, 118 Stat. 1914, 1915; Pub. L. 110-181, div. A, title V, §527, Jan. 28, 2008, 122 Stat. 105; Pub. L. 110-417, [div. A], title V, §543(i)(1), Oct. 14, 2008, 122 Stat. 4464.)

#### AMENDMENTS

2008—Pub. L. 110-417 amended section generally. Prior to amendment, section consisted of subsecs. (a) and (b) relating to the authority of Air University to confer academic degrees and regulations under which authority would be exercised.

Subsec. (a)(4), (5). Pub. L. 110-181 added par. (4) and redesignated former par. (4) as (5).

2004—Pub. L. 108-375, §556(c)(1), substituted “conferal of degrees” for “graduate-level degrees” in section catchline.

Subsec. (a). Pub. L. 108-375, §556(a), substituted “may confer academic degrees as follows:” for “may confer—” in introductory provisions, “The” for “the” in pars. (1) to (3), period for semicolon in par. (1), and period for “; and” in par. (2) and added par. (4).

1999—Pub. L. 106-65, §543(b)(1), substituted “graduate-level degrees” for “master of airpower art and science” in section catchline.

Subsec. (a). Pub. L. 106-65, §543(a), amended heading and text of subsec. (a) generally. Prior to amendment, text read as follows: “Upon the recommendation of the faculty of the School of Advanced Airpower Studies of

the Air University, the Commander of the university may confer the degree of master of airpower art and science upon graduates of the school who fulfill the requirements for the degree.”

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-417 applicable to any degree granting authority established, modified, or redesignated on or after Oct. 14, 2008, for an institution of professional military education referred to in such amendment, see section 543(j) of Pub. L. 110-417, set out as a note under section 2161 of this title.

#### EFFECTIVE DATE

Section 913(b) of Pub. L. 103-337 provided that: “The authority provided by section 9317(a) of title 10, United States Code, as added by subsection (a), shall become effective on the date on which the Secretary of Education determines that the requirements established by the School of Advanced Airpower Studies of the Air University for the degree of master of airpower art and science are in accordance with generally applicable requirements for a degree of master of arts or a degree of master of science.”

### §9319. Recruit basic training: separate housing for male and female recruits

(a) PHYSICALLY SEPARATE HOUSING.—(1) The Secretary of the Air Force shall provide for housing male recruits and female recruits separately and securely from each other during basic training.

(2) To meet the requirements of paragraph (1), the sleeping areas and latrine areas provided for male recruits shall be physically separated from the sleeping areas and latrine areas provided for female recruits by permanent walls, and the areas for male recruits and the areas for female recruits shall have separate entrances.

(3) The Secretary shall ensure that, when a recruit is in an area referred to in paragraph (2), the area is supervised by one or more persons who are authorized and trained to supervise the area.

(b) ALTERNATIVE SEPARATE HOUSING.—If male recruits and female recruits cannot be housed as provided under subsection (a) by October 1, 2001, at a particular installation, the Secretary of the Air Force shall require (on and after that date) that male recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for males and that female recruits in basic training at such installation be housed in barracks or other troop housing facilities that are only for females.

(c) CONSTRUCTION PLANNING.—In planning for the construction of housing to be used for housing recruits during basic training, the Secretary of the Air Force shall ensure that the housing is to be constructed in a manner that facilitates the housing of male recruits and female recruits separately and securely from each other.

(d) BASIC TRAINING DEFINED.—In this section, the term “basic training” means the initial entry training program of the Air Force that constitutes the basic training of new recruits.

(Added Pub. L. 105-261, div. A, title V, §521(c)(1), Oct. 17, 1998, 112 Stat. 2011.)

#### IMPLEMENTATION

Pub. L. 105-261, div. A, title V, §521(c)(3), Oct. 17, 1998, 112 Stat. 2012, provided that: “The Secretary of the Air Force shall implement section 9319 of title 10, United

States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.”

### § 9320. Recruit basic training: privacy

The Secretary of the Air Force shall require that access by military training instructors and other training personnel to a living area in which recruits are housed during basic training shall be limited after the end of the training day, other than in the case of an emergency or other exigent circumstance, to military training instructors and other training personnel who are of the same sex as the recruits housed in that living area or to superiors in the chain of command of those recruits who, if not of the same sex as the recruits housed in that living area, are accompanied by a member (other than a recruit) who is of the same sex as the recruits housed in that living area.

(Added Pub. L. 105-261, div. A, title V, § 522(c)(1), Oct. 17, 1998, 112 Stat. 2013.)

#### IMPLEMENTATION

Pub. L. 105-261, div. A, title V, § 522(c)(3), Oct. 17, 1998, 112 Stat. 2013, provided that: “The Secretary of the Air Force shall implement section 9320 of title 10, United States Code, as added by paragraph (1), as rapidly as feasible and shall ensure that the provisions of that section are applied to all recruit basic training classes beginning not later than the first such class that enters basic training on or after April 15, 1999.”

### CHAPTER 903—UNITED STATES AIR FORCE ACADEMY

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#### AMENDMENTS

2009—Pub. L. 111-84, div. A, title V, § 528(b), Oct. 28, 2009, 123 Stat. 2290, added item 9362.

2008—Pub. L. 110-417, [div. A], title V, § 541(c)(2), Oct. 14, 2008, 122 Stat. 4456, added item 9345a.

2006—Pub. L. 109-364, div. A, title X, § 1071(g)(2), Oct. 17, 2006, 120 Stat. 2402, made technical correction to directory language of Pub. L. 108-375, § 544(c)(2). See 2004 Amendment note below.

Pub. L. 109-364, div. A, title V, § 532(d)(3), Oct. 17, 2006, 120 Stat. 2206, added item 9361.

2004—Pub. L. 108-375, div. A, title V, § 545(c)(2), Oct. 28, 2004, 118 Stat. 1909, added item 9360.

Pub. L. 108-375, div. A, title V, § 544(c)(2), Oct. 28, 2004, 118 Stat. 1907, as amended by Pub. L. 109-364, div. A, title X, § 1071(g)(2), Oct. 17, 2006, 120 Stat. 2402, added item 9359.

1999—Pub. L. 106-65, div. A, title V, § 532(a)(4)(F), div. B, title XXVIII, § 2871(c)(2), Oct. 5, 1999, 113 Stat. 604, 877, added items 9333a and 9356.

1998—Pub. L. 105-261, div. A, title X, § 1063(c)(2), Oct. 17, 1998, 112 Stat. 2132, added item 9357.

1997—Pub. L. 105-85, div. A, title V, § 542(c)(2), Nov. 18, 1997, 111 Stat. 1743, added item 9345.

1996—Pub. L. 104-106, div. A, title V, § 533(c)(2), Feb. 10, 1996, 110 Stat. 315, struck out item 9356 “Athletics program: athletic director; nonappropriated fund account”.

1994—Pub. L. 103-337, div. A, title V, § 556(c)(2), Oct. 5, 1994, 108 Stat. 2775, added item 9356.

1993—Pub. L. 103-160, div. A, title V, § 533(b)(2), Nov. 30, 1993, 107 Stat. 1658, added item 9338.

1989—Pub. L. 101-189, div. A, title V, § 515(b)(2), Nov. 29, 1989, 103 Stat. 1441, substituted “director of admissions” for “registrar” in item 9336.

1983—Pub. L. 98-94, title X, § 1004(c)(3), Sept. 24, 1983, 97 Stat. 660, substituted “Selection of persons from foreign countries” for “Selection of persons from Canada and American Republics” in item 9344, and struck out item 9345 “Selection of Filipinos”.

1981—Pub. L. 97-60, title II, § 203(c)(2)(B), Oct. 14, 1981, 95 Stat. 1006, added item 9341a.

1958—Pub. L. 85-600, § 1(23), Aug. 6, 1958, 72 Stat. 524, inserted “; registrar” in item 9336.

### § 9331. Establishment; Superintendent; faculty

(a) There is in the Department of the Air Force an Air Force Academy (hereinafter in this chapter referred to as the “Academy”) for the instruction and preparation for military service of selected persons called “Air Force cadets”. The organization of the Academy shall be prescribed by the Secretary of the Air Force.

(b) There shall be at the Academy the following:

- (1) A Superintendent.
- (2) A Dean of the Faculty.
- (3) A Commandant of Cadets.
- (4) 23 permanent professors.
- (5) A chaplain.
- (6) A director of admissions.

(Aug. 10, 1956, ch. 1041, 70A Stat. 561; Pub. L. 85-600, § 1(19), Aug. 6, 1958, 72 Stat. 523; Pub. L.

96-513, title V, §514(10), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 101-189, div. A, title V, §515(a)(1), Nov. 29, 1989, 103 Stat. 1441; Pub. L. 102-484, div. A, title V, §523(b), Oct. 23, 1992, 106 Stat. 2410; Pub. L. 103-160, div. A, title V, §533(b)(3), Nov. 30, 1993, 107 Stat. 1658; Pub. L. 108-136, div. A, title V, §529(c)(1), Nov. 24, 2003, 117 Stat. 1471; Pub. L. 110-417, [div. A], title V, §545, Oct. 14, 2008, 122 Stat. 4466.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9331(a) .....	10:1851.	R.S. 1309; Feb. 18, 1896, ch. 22 (less proviso), 29 Stat. 8.
9331(b) .....	10:1854.	June 26, 1946, ch. 495, §§1, 3 (1st 20 words), 60 Stat. 312.
	10:1061.	Apr. 1, 1954, ch. 127, §2, 5, 68 Stat. 47, 48.
	10:1087.	
	10:1089 (1st 20 words).	

In subsection (b), reference to the senior instructors of artillery, cavalry, and infantry, and the master of the sword, in 10:1061, are omitted as obsolete. The names of the other departments are omitted as inapplicable to the Air Force. The departmental names will be established under section 9332 of this title. The words “and one assistant professor”, in 10:1061, are omitted as superseded by section 9333 of this title. 10:1061 (words before colon) is omitted as inapplicable to the Air Force. 10:1854 (less last sentence) is omitted as executed by the inclusion in this chapter of the laws applicable to the Air Force Academy. 10:1087 (proviso) is omitted as inapplicable to the Air Force.

Subsection (b)(3) is based on those laws establishing the various departments at the United States Military Academy (see revision note for section 4331 of this title).

## AMENDMENTS

2008—Subsec. (b)(4). Pub. L. 110-417 substituted “23 permanent professors” for “21 permanent professors”.

2003—Subsec. (b)(2). Pub. L. 108-136 substituted “Dean of the Faculty” for “dean of the Faculty, who is a permanent professor”.

1993—Subsec. (c). Pub. L. 103-160 struck out subsec. (c) which read as follows:

“(1) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

“(2) The compensation of persons employed under this subsection shall be as prescribed by the Secretary.

“(3) The Secretary may delegate the authority conferred by this subsection to any person in the Department of the Air Force to the extent the Secretary considers proper. Such delegation may be made with or without the authority to make successive redelegations.”

1992—Subsec. (c). Pub. L. 102-484 added subsec. (c).

1989—Subsec. (b)(6). Pub. L. 101-189 substituted “director of admissions” for “registrar”.

1980—Subsec. (a). Pub. L. 96-513 substituted “(hereinafter in this chapter referred to as the ‘Academy’)” for “, in this chapter called the ‘Academy’.”

1958—Subsec. (b)(6). Pub. L. 85-600 added par. (6).

## EFFECTIVE DATE OF 2003 AMENDMENT

Pub. L. 108-136, div. A, title V, §529(d), Nov. 24, 2003, 117 Stat. 1472, provided that: “The amendments made by this section [amending this section and sections 9335 and 9336 of this title] shall apply with respect to any Dean of the Faculty of the United States Air Force Academy selected on or after the date of the enactment of this Act [Nov. 24, 2003].”

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

## APPROPRIATIONS FOR THE AIR FORCE ACADEMY AFTER AUGUST 1, 1964; REQUIREMENT OF AUTHORIZATION IN SUBSEQUENT LEGISLATION; APPROPRIATIONS FOR ADVANCE PLANNING AND MINOR CONSTRUCTION

Pub. L. 88-390, title VI, §608, Aug. 1, 1964, 78 Stat. 364, provided that: “Notwithstanding the provisions of section 9 of the Act of April 1, 1954 (Public Law 325) as amended [set out below], no funds may be appropriated after the date of enactment of this Act [Aug. 1, 1964] for construction at the Air Force Academy unless appropriation of such funds has been authorized in this Act [Military Construction Authorization Act, 1965] or any Act enacted after the date of enactment of this Act: *Provided*, That funds are authorized to be appropriated to accomplish advance planning and minor construction at the Air Force Academy in the same manner as for other projects under the Act of September 28, 1951, as amended (31 U.S.C. 723) [10 U.S.C. 2661a(a)], and title 10, United States Code, section 2674, as amended.”

## APPROPRIATIONS FOR AIR FORCE ACADEMY

Act Apr. 1, 1954, ch. 127, 68 Stat. 47, which established the Air Force Academy, provided by section 9 of such act, as amended by act Aug. 3, 1956, ch. 939, title IV, §413(b), 70 Stat. 1018, and by Pub. L. 85-241, title V, §508, Aug. 30, 1957, 71 Stat. 559; Pub. L. 85-685, title III, §309, Aug. 20, 1958, 72 Stat. 659; Pub. L. 87-57, title III, §304, June 27, 1961, 75 Stat. 108; Pub. L. 90-408, title III, §304, July 21, 1968, 82 Stat. 385, that there was authorized to be appropriated not to exceed the sum of \$141,978,000 to carry out the provisions of that Act, of which not to exceed \$26,000,000 was to be the amount so appropriated for any such period, not to exceed \$1,858,000 might be utilized for the purpose of section 4 of this Act [set out below].

## TEMPORARY BUILDINGS AND FACILITIES

Section 4 of act Apr. 1, 1954, ch. 127, 68 Stat. 47, provided that for the purpose of providing temporary facilities and enabling early operation of the Academy, the Secretary of the Air Force was authorized to provide for the erection of the minimum additional number of temporary buildings and the modification of existing structures and facilities at an existing Air Force base and to provide for the proper functioning, equipping, maintaining, and repairing thereof; and to contract with civilian institutions for such operation or instruction as he deemed necessary.

## § 9332. Departments and professors: titles

The Secretary of the Air Force may prescribe the titles of each of the departments of instruction and the professors of the Academy. However, the change of the title of a department or officer does not affect the status, rank, or eligibility for promotion or retirement of, or otherwise prejudice, a professor at the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9332 .....	10:1061a.	Dec. 14, 1942, ch. 729, 56 Stat. 1049.

The words “now or after December 14, 1942, established at” are omitted as surplusage. The word “predecessor” is omitted as covered by the word “rank”. The words “pay, allowances” are omitted, since they are determined by the grade held. The words “from time to time”, “shall be known”, and “operate in any case or on any account” are omitted as surplusage.

### § 9333. Superintendent; faculty: appointment and detail

(a) The Superintendent and the Commandant of Cadets of the Academy shall be detailed to those positions by the President from the officers of the Air Force.

(b) The permanent professors of the Academy shall be appointed by the President, by and with the advice and consent of the Senate.

(c) The director of admissions of the Academy shall be appointed by the President, by and with the advice and consent of the Senate, and shall perform such duties as the Superintendent of the Academy may prescribe with the approval of the Secretary of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, §1(20), Aug. 6, 1958, 72 Stat. 523; Pub. L. 101-189, div. A, title V, §515(a)(2), Nov. 29, 1989, 103 Stat. 1441.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9333(a) .....	10:1062.	R.S. 1313.
9333(b) .....	10:1063.	R.S. 1314 (words before semicolon).

In subsection (a), the word “detailed” is substituted for the word “selected”, since historically the offices of superintendent and commandant of cadets have been filled by detail. The words “the officers of the Air Force” are substituted for the words “any arm of the service”, since the Air Force does not have statutory arms or corps. 10:1063 (1st sentence and 1st 26 words of last sentence) is omitted as covered by section 8012 of this title.

In subsection (b), the words “by and with the advice and consent of the Senate” are inserted, since many of the statutes establishing particular permanent professorships from time to time have so provided, and historically it has been the uniform practice to make these appointments in this manner. 10:1063 (last 14 words) is omitted as obsolete and as covered by section 9349(b) of this title.

#### AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “director of admissions” for “registrar”.

1958—Subsec. (c). Pub. L. 85-600 added subsec. (c).

### § 9333a. Superintendent: condition for detail to position

(a) RETIREMENT.—As a condition for detail to the position of Superintendent of the Academy, an officer shall acknowledge that upon termination of that detail the officer shall be retired pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(b) of this title.

(b) MINIMUM TOUR OF DUTY.—An officer who is detailed to the position of Superintendent of the Academy shall be so detailed for a period of not less than three years. In any case in which an officer serving as Superintendent is reassigned or retires before having completed three years service as Superintendent, or otherwise leaves that position (other than due to death) without having completed three years service in that position, the Secretary of the Air Force shall submit to Congress notice that such officer left the position of Superintendent without having completed three years service in that position, together with a statement of the reasons why that

officer did not complete three years service in that position.

(Added Pub. L. 106-65, div. A, title V, §532(a)(3)(B), Oct. 5, 1999, 113 Stat. 603; amended Pub. L. 108-375, div. A, title V, §541(b)(3), Oct. 28, 2004, 118 Stat. 1903.)

#### AMENDMENTS

2004—Pub. L. 108-375 designated existing provisions as subsec. (a), inserted heading, inserted “pursuant to section 8921(a) of this title, unless such retirement is waived under section 8921(b) of this title” before period at end, and added subsec. (b).

#### APPLICATION OF SECTION TO SUPERINTENDENTS SERVING ON OCTOBER 5, 1999

Section not applicable to an officer serving on Oct. 5, 1999, in the position of Superintendent of the United States Military Academy, Naval Academy, or Air Force Academy for so long as that officer continues on and after that date to serve in that position without a break in service, see section 532(a)(5) of Pub. L. 106-65, set out as a note under section 3921 of this title.

### § 9334. Command and supervision

(a) The immediate government of the Academy is under the Superintendent, who is also the commanding officer of the Academy and of the military post.

(b) The permanent professors and the director of admissions exercise command only in the academic department of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, §1(21), Aug. 6, 1958, 72 Stat. 524; Pub. L. 101-189, div. A, title V, §515(a)(3), Nov. 29, 1989, 103 Stat. 1441.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9334(a) .....	10:1042.	R.S. 1311.
9334(b) .....	10:1079.	June 28, 1902, ch. 1300 (1st proviso under “Permanent Establishment”), 32 Stat. 409.

In subsection (a), the words “and, in his absence, the next in rank” are omitted as surplusage.

In subsection (b), reference to assimilated rank is omitted as superseded by section 9336 of this title. The words “and the associate professor” are omitted as obsolete.

#### AMENDMENTS

1989—Subsec. (b). Pub. L. 101-189 substituted “director of admissions” for “registrar”.

1958—Subsec. (b). Pub. L. 85-600 inserted reference to registrar.

### § 9335. Dean of the Faculty

(a) The Dean of the Faculty is responsible to the Superintendent for developing and sustaining the curriculum and overseeing the faculty of the Academy. The qualifications, selection procedures, training, pay grade, and retention of the Dean shall be prescribed by the Secretary of the Air Force, except that a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person’s academic field. If a person appointed as the Dean is not an officer on active duty, the person shall be appointed as a member of the Senior Executive Service.

(b) While serving as Dean of the Faculty, an officer on active duty who holds a grade lower than brigadier general (or the equivalent) shall hold the grade of brigadier general (or the equivalent), if appointed to that grade by the President, by and with the advice and consent of the Senate. The retirement age of an officer so appointed is that of a permanent professor of the Academy. An officer so appointed is counted for purposes of the applicable limitation in section 526(a) of this title on general officers on active duty.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-861, § 33(a)(46)(A), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 99-661, div. A, title V, § 508(c), Nov. 14, 1986, 100 Stat. 3867; Pub. L. 102-484, div. A, title V, § 521(b), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 106-65, div. A, title V, § 533(b), Oct. 5, 1999, 113 Stat. 605; Pub. L. 108-136, div. A, title V, § 529(a), (b), Nov. 24, 2003, 117 Stat. 1471; Pub. L. 108-375, div. A, title V, § 542, Oct. 28, 2004, 118 Stat. 1904.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9335(a) .....	10:1089 (2d sentence).	June 26, 1946, ch. 495, § 3
9335(b) .....	10:1089 (less 1st 20 words, and less 2d sentence).	(less 1st 20 words), 60 Stat. 312.

In subsection (b), the word “grade” is substituted for the word “rank”. The words “pay, allowances” are omitted, since they are determined by the grade held. The words “retirement rights” are omitted as covered by the word “benefits”. The words “There is authorized”, “from time to time”, and “statutory” are omitted as surplusage. So much of 10:1089 as relates to the duties of the Dean of the Faculty is omitted as covered by section 8012(e) of this title.

#### 1958 ACT

The word “regular” is deleted [in sections 9335 and 9336] to make clear that a Dean or professor of the United States Air Force Academy holds only the office of “Dean” or “professor” and not the office of “brigadier general” or “colonel”, as the case may be, even though he is entitled to the pay and allowances of that grade.

#### AMENDMENTS

2004—Subsec. (a). Pub. L. 108-375 inserted “, except that a person may not be appointed or assigned as Dean unless that person holds the highest academic degree in that person’s academic field” after “Secretary of the Air Force”.

2003—Subsec. (a). Pub. L. 108-136, § 529(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Dean of the Faculty shall be appointed as an additional permanent professor from the permanent professors who have served as heads of departments of instruction at the Academy.”

Subsec. (b). Pub. L. 108-136, § 529(b), in first sentence, substituted “on active duty” for “of the Air Force” and inserted “(or the equivalent)” after “brigadier general” in two places and, in last sentence, inserted “applicable” before “limitation” and struck out “of the Air Force” after “general officers”.

1999—Pub. L. 106-65 designated existing provisions as subsec. (a) and added subsec. (b).

1992—Pub. L. 102-484 designated subsec. (a) as entire section and struck out subsec. (b) which read as follows: “The Dean has the grade of brigadier general while serving in such position, with the benefits authorized for regular brigadier generals of the Air Force, if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the re-

tirement age of an officer so appointed is that of a permanent professor of the Academy.”

1986—Subsec. (b). Pub. L. 99-661 amended subsec. (b) generally, substituting “while serving in such position” for “while serving as such” and “if appointed to that grade by the President, by and with the advice and consent of the Senate. However, the retirement age of an officer so appointed” for “except that his retirement age”.

1958—Subsec. (b). Pub. L. 85-861 substituted “the grade of brigadier general” for “the regular grade of brigadier general”.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 applicable with respect to any Dean of the Faculty of the United States Air Force Academy selected on or after Nov. 24, 2003, see section 529(d) of Pub. L. 108-136, set out as a note under section 9331 of this title.

#### EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661 applicable with respect to appointments or details made on or after Nov. 14, 1986, see section 508(f) of Pub. L. 99-661, set out as an Effective Date note under section 12210 of this title.

#### EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

### § 9336. Permanent professors; director of admissions

(a) A permanent professor of the Academy who is the head of a department of instruction, or who has served as such a professor for more than six years, has the grade of colonel. However, a permanent professor appointed from the Regular Air Force has the grade of colonel after the date when he completes six years of service as a professor, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier. All other permanent professors have the grade of lieutenant colonel.

(b) A person appointed as director of admissions of the Academy has the regular grade of lieutenant colonel, and, after he has served six years as director of admissions, has the regular grade of colonel. However, a person appointed from the Regular Air Force has the regular grade of colonel after the date when he completes six years of service as director of admissions, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 85-600, § 1(22), Aug. 6, 1958, 72 Stat. 524; Pub. L. 85-861, § 33(a)(46)(B), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 96-513, title II, § 218(b), title V, § 504(24), Dec. 12, 1980, 94 Stat. 2886, 2917; Pub. L. 98-525, title V, § 533(d)(2), Oct. 19, 1984, 98 Stat. 2528; Pub. L. 101-189, div. A, title V, § 515(a)(4), (b)(1), Nov. 29, 1989, 103 Stat. 1441; Pub. L. 108-136, div. A, title V, § 529(c)(2), Nov. 24, 2003, 117 Stat. 1472.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9336 .....	10:1079a(a).	Aug. 7, 1947, ch. 512, § 520(a) 61 Stat. 912.

The word “grade” is substituted for the word “rank”. The words “pay, and allowances” are omitted, since they are determined by the grade held. 10:1079a(a) (last proviso), and the words “Hereafter each of”, “who have been or may hereafter be”, and “and appointed in” are omitted as surplusage.

#### 1958 ACT

The word “regular” is deleted [in sections 9335 and 9336] to make clear that a Dean or professor of the United States Air Force Academy holds only the office of “Dean” or “professor” and not the office of “brigadier general” or “colonel”, as the case may be, even though he is entitled to the pay and allowances of that grade.

#### AMENDMENTS

2003—Subsec. (a). Pub. L. 108-136 struck out “, other than the Dean of the Faculty,” after “Academy”.

1989—Pub. L. 101-189, §515(b), substituted “director of admissions” for “registrar” in section catchline.

Subsec. (b). Pub. L. 101-189, §515(a)(4), substituted “director of admissions” for “registrar” in three places.

1984—Subsecs. (a), (b). Pub. L. 98-525 substituted “on which he would have been promoted had he been selected for promotion from among officers in the promotion zone,” for “when a regular officer, junior to him on the promotion list or active-duty list on which his name was carried before his appointment as a professor, is promoted to the regular grade of colonel.”.

1980—Subsecs. (a), (b). Pub. L. 96-513, §504(24), substituted “after the date when a regular officer, junior to him on the promotion list or active-duty list on which his name was carried” for “after the date when a promotion-list officer, junior to him on the promotion list on which his name was carried”.

Subsec. (c). Pub. L. 96-513, §218(b), struck out subsec. (c) which provided that, unless he is serving in a higher grade, an officer detailed to perform the duties of registrar has, while performing those duties, the temporary grade of lieutenant colonel and, after performing those duties for a period of six years, has the temporary grade of colonel.

1958—Pub. L. 85-600, §1(22)(C), inserted “; registrar” in section catchline.

Subsec. (a). Pub. L. 85-861 substituted “has the grade of colonel” for “has the regular grade of colonel” in two places, and “have the grade of lieutenant colonel” for “have the regular grade of lieutenant colonel”.

Pub. L. 85-600, §1(22)(A), designated existing provisions as subsec. (a).

Subsecs. (b), (c). Pub. L. 85-600, §1(22)(B), added subsecs. (b) and (c).

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-136 applicable with respect to any Dean of the Faculty of the United States Air Force Academy selected on or after Nov. 24, 2003, see section 529(d) of Pub. L. 108-136, set out as a note under section 9331 of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by section 218(b) of Pub. L. 96-513 effective Sept. 15, 1981, but the authority to prescribe regulations under the amendment by Pub. L. 96-513 effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513.

Amendment by section 504(24) of Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective August 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

#### SERVICE PERFORMED AS REGISTRAR PRIOR TO AUGUST 6, 1958

Prohibition against accrual of increase in pay or allowances for service performed prior to Aug. 6, 1958, see note set out under section 4336 of this title.

### § 9337. Chaplain

There shall be a chaplain at the Academy, who must be a clergyman, appointed by the President for a term of four years. The chaplain is entitled to the same allowances for public quarters as are allowed to a captain, and to fuel and light for quarters in kind. The chaplain may be reappointed.

(Aug. 10, 1956, ch. 1041, 70A Stat. 562; Pub. L. 87-651, title I, §117, Sept. 7, 1962, 76 Stat. 513.)

#### HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9337 .....	10:1083. 10:1137.	Feb. 18, 1896, ch. 22 (proviso), 29 Stat. 8; May 16, 1928, ch. 579, 45 Stat. 573; June 2, 1945, ch. 172, 59 Stat. 230.

The words “The chaplain may be reappointed” are substituted for the words “and said chaplain shall be eligible for reappointment for an additional term or terms”. The figures “\$5,482.80” and “\$6,714” are substituted for the figures “\$4,000” and “\$5,000” to reflect increases in the rates of salary of that office effected by Federal Employees Pay Act of 1945, 59 Stat. 295, the Federal Employees Pay Act of 1946, 60 Stat. 216, the Postal Rate Revision and Federal Employees Salary Act of 1948, 62 Stat. 1260, and the Classification Act of 1949, 63 Stat. 954.

#### 1962 ACT

The change reflects the opinion of the Assistant General Counsel, Civil Service Commission (GC:JHF:fz, May 4, 1959), that those parts of section 4337 and 9337 of title 10 that relate to the salaries of the chaplains at the United States Military Academy and the United States Air Force Academy were superseded by the Classification Act of 1949 (5 U.S.C. 1071 et seq.). While the positions of chaplain at those Academies are not specifically covered by the Act, the Act has been determined to apply to those positions in accordance with section 203 thereof (5 U.S.C. 1083).

#### AMENDMENTS

1962—Pub. L. 87-651 struck out provisions which prescribed salary of chaplain upon appointment and reappointment.

#### DELEGATION OF FUNCTIONS

Functions of President under this section delegated to Secretary of Defense, see section 1(5) of Ex. Ord. No. 11390, Jan. 22, 1968, 33 F.R. 841, set out as a note under section 301 of Title 3, The President.

### § 9338. Civilian faculty: number; compensation

(a) The Secretary of the Air Force may employ as many civilians as professors, instructors, and lecturers at the Academy as the Secretary considers necessary.

(b) The compensation of persons employed under this section is as prescribed by the Secretary.

(c) The Secretary of the Air Force may, notwithstanding the provisions of subchapter V of chapter 55 of title 5 or section 6101 of such title, prescribe for persons employed under this section the following:

(1) The work schedule, including hours of work and tours of duty, set forth with such specificity and other characteristics as the Secretary determines appropriate.

(2) Any premium pay or compensatory time off for hours of work or tours of duty in excess of the regularly scheduled hours or tours of duty.

(Added Pub. L. 103-160, div. A, title V, § 533(b)(1), Nov. 30, 1993, 107 Stat. 1658; amended Pub. L. 106-65, div. A, title XI, § 1107(c), Oct. 5, 1999, 113 Stat. 778.)

#### AMENDMENTS

1999—Subsec. (c). Pub. L. 106-65 added subsec. (c).

#### § 9341. Faculty and other officers: leaves of absence

The Superintendent of the Academy may grant a leave of absence for the period of the suspension of the ordinary academic studies, without deduction of pay or allowances, to a professor, assistant professor, instructor, or other officer of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 563.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9341 .....	10:1144.	R.S. 1330.

The words “under regulations prescribed by the Secretary of the Army” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

#### § 9341a. Cadets: appointment by the President

Cadets at the Academy shall be appointed by the President alone. An appointment is conditional until the cadet is admitted.

(Added Pub. L. 97-60, title II, § 203(c)(2)(A), Oct. 14, 1981, 95 Stat. 1006.)

#### EFFECTIVE DATE

Section effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section 203(d) of Pub. L. 97-60, set out as a note under section 4341a of this title.

#### § 9342. Cadets: appointment; numbers, territorial distribution

(a) The authorized strength of Air Force Cadets of the Academy (determined for any year as of the day before the last day of the academic year) is 4,400 or such lower number as may be prescribed by the Secretary of the Air Force under subsection (j). Subject to that limitation, Air Force Cadets are selected as follows:

(1) 65 cadets selected in order of merit as established by competitive examination from the children of members of the armed forces who were killed in action or died of, or have a service-connected disability rated at not less than 100 per centum resulting from wounds or injuries received or diseases contracted in, or preexisting injury or disease aggravated by, active service, children of members who are in a “missing status” as defined in section 551(2) of title 37, and children of civilian employees who are in “missing status” as defined in section 5561(5) of title 5. The determination of the Department of Veterans Affairs as to service connection of the cause of death or disability, and the percentage at which the disability is

rated, is binding upon the Secretary of the Air Force.

(2) Five cadets nominated at large by the Vice President or, if there is no Vice President, by the President pro tempore of the Senate.

(3) Ten cadets from each State, five of whom are nominated by each Senator from that State.

(4) Five cadets from each congressional district, nominated by the Representative from the district.

(5) Five cadets from the District of Columbia, nominated by the Delegate to the House of Representatives from the District of Columbia.

(6) Three cadets from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands.

(7) Six cadets from Puerto Rico, five of whom are nominated by the Resident Commissioner from Puerto Rico and one who is a native of Puerto Rico nominated by the Governor of Puerto Rico.

(8) Three cadets from Guam, nominated by the Delegate in Congress from Guam.

(9) Two cadets from American Samoa, nominated by the Delegate in Congress from American Samoa.

(10) Two cadets from the Commonwealth of the Northern Mariana Islands, nominated by the Delegate in Congress from the commonwealth.

Each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate 10 persons for each vacancy that is available to him under this section. Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.

(b) In addition, there may be appointed each year at the Academy cadets as follows:

(1) one hundred selected by the President from the children of members of an armed force who—

(A) are on active duty (other than for training) and who have served continuously on active duty for at least eight years;

(B) are, or who died while they were, retired with pay or granted retired or retainer pay;

(C) are serving as members of reserve components and are credited with at least eight years of service computed under section 12733 of this title; or

(D) would be, or who died while they would have been, entitled to retired pay under chapter 1223 of this title except for not having attained 60 years of age;

however, a person who is eligible for selection under clause (1) of subsection (a) may not be selected under this clause.

(2) 85 nominated by the Secretary of the Air Force from enlisted members of the Regular Air Force.

(3) 85 nominated by the Secretary of the Air Force from enlisted members of reserve components of the Air Force.

(4) 20 nominated by the Secretary of the Air Force, under regulations prescribed by him, from the honor graduates of schools designated as honor schools by the Department of the Army, the Department of the Navy, or the Department of the Air Force, and from members of the Air Force Reserve Officers' Training Corps.

(5) 150 selected by the Secretary of the Air Force in order of merit (prescribed pursuant to section 9343 of this title) from qualified alternates nominated by persons named in clauses (3) and (4) of subsection (a).

(c) The President may also appoint as cadets at the Academy children of persons who have been awarded the Medal of Honor for acts performed while in the armed forces.

(d) The Superintendent may nominate for appointment each year 50 persons from the country at large. Persons nominated under this paragraph may not displace any appointment authorized under clauses (2) through (9) of subsection (a) and may not cause the total strength of Air Force Cadets to exceed the authorized number.

(e) If the annual quota of cadets under subsection (b)(1), (2), or (3) is not filled, the Secretary may fill the vacancies by nominating for appointment other candidates from any of these sources who were found best qualified on examination for admission and not otherwise nominated.

(f) Each candidate for admission nominated under clauses (3) through (9) of subsection (a) must be domiciled in the State, or in the congressional district, from which he is nominated, or in the District of Columbia, Puerto Rico, American Samoa, Guam, or the Virgin Islands, if nominated from one of those places.

(g) The Secretary of the Air Force may limit the number of cadets authorized to be appointed under this section to the number that can be adequately accommodated at the Academy as determined by the Secretary after consulting with the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, subject to the following:

(1) Cadets chargeable to each nominating authority named in subsection (a)(3) or (4) may not be limited to less than four.

(2) If the Secretary limits the number of appointments under subsection (a)(3) or (4), appointments under subsection (b)(1)–(4) are limited as follows:

- (A) 27 appointments under subsection (b)(1);
- (B) 27 appointments under subsection (b)(2);
- (C) 27 appointments under subsection (b)(3); and
- (D) 13 appointments under subsection (b)(4).

(3) If the Secretary limits the number of appointments under subsection (b)(5), appointments under subsection (b)(2)–(4) are limited as follows:

- (A) 27 appointments under subsection (b)(2);
- (B) 27 appointments under subsection (b)(3); and

(C) 13 appointments under subsection (b)(4).

(4) The limitations provided for in this subsection do not affect the operation of subsection (e).

(h) The Superintendent shall furnish to any Member of Congress, upon the written request of such Member, the name of the Congressman or other nominating authority responsible for the nomination of any named or identified person for appointment to the Academy.

(i) For purposes of the limitation in subsection (a) establishing the aggregate authorized strength of Air Force Cadets, the Secretary of the Air Force may for any year permit a variance in that limitation by not more than one percent. In applying that limitation, and any such variance, the last day of an academic year shall be considered to be graduation day.

(j)(1) Beginning with the 2003–2004 academic year, the Secretary of the Air Force may prescribe annual increases in the cadet strength limit in effect under subsection (a). For any academic year, any such increase shall be by no more than 100 cadets or such lesser number as applies under paragraph (3) for that year. Such annual increases may be prescribed until the cadet strength limit is 4,400.

(2) Any increase in the cadet strength limit under paragraph (1) with respect to an academic year shall be prescribed not later than the date on which the budget of the President is submitted to Congress under sections 1105 of title 31 for the fiscal year beginning in the same year as the year in which that academic year begins. Whenever the Secretary prescribes such an increase, the Secretary shall submit to Congress a notice in writing of the increase. The notice shall state the amount of the increase in the cadet strength limit and the new cadet strength limit, as so increased, and the amount of the increase in Senior Air Force Reserve Officers' Training Corps enrollment under each of sections 2104 and 2107 of this title.

(3) The amount of an increase under paragraph (1) in the cadet strength limit for an academic year may not exceed the increase (if any) for the preceding academic year in the total number of cadets enrolled in the Air Force Senior Reserve Officers' Training Corps program under chapter 103 of this title who have entered into an agreement under section 2104 or 2107 of this title.

(4) In this subsection, the term “cadet strength limit” means the authorized maximum strength of Air Force Cadets of the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 563; Pub. L. 87–663, §1(5), (6), Sept. 14, 1962, 76 Stat. 547; Pub. L. 88–276, §4(1), Mar. 3, 1964, 78 Stat. 151; Pub. L. 89–650, §1(1)–(3), (5), Oct. 13, 1966, 80 Stat. 896; Pub. L. 90–374, July 5, 1968, 82 Stat. 283; Pub. L. 90–623, §2(8), Oct. 22, 1968, 82 Stat. 1314; Pub. L. 91–405, title II, §204(c), Sept. 22, 1970, 84 Stat. 852; Pub. L. 92–365, §1(3), Aug. 7, 1972, 86 Stat. 505; Pub. L. 93–171, §3(1)–(4), Nov. 29, 1973, 87 Stat. 690; Pub. L. 94–106, title VIII, §803(b)(1), Oct. 7, 1975, 89 Stat. 538; Pub. L. 96–513, title V, §514(11), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 96–600, §2(c), Dec. 24, 1980, 94 Stat. 3493; Pub. L. 97–60, title II, §203(c)(1), Oct. 14, 1981, 95 Stat. 1006; Pub. L. 98–94, title X, §1005(a)(3), (b)(3), Sept. 24, 1983, 97



Stat. 660, 661; Pub. L. 101-189, div. A, title XVI, § 1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 101-510, div. A, title V, § 532(c)(1), Nov. 5, 1990, 104 Stat. 1563; Pub. L. 103-160, div. A, title V, § 531, Nov. 30, 1993, 107 Stat. 1657; Pub. L. 103-337, div. A, title XVI, § 1674(c)(3), Oct. 5, 1994, 108 Stat. 3017; Pub. L. 104-106, div. A, title V, § 532(c), title XV, § 1502(a)(1), Feb. 10, 1996, 110 Stat. 315, 502; Pub. L. 105-85, div. A, title X, § 1073(a)(62), Nov. 18, 1997, 111 Stat. 1903; Pub. L. 106-65, div. A, title V, § 531(b)(3), title X, § 1067(1), Oct. 5, 1999, 113 Stat. 602, 774; Pub. L. 106-398, § 1 [[div. A], title V, § 531(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-110; Pub. L. 107-314, div. A, title V, § 532(c), Dec. 2, 2002, 116 Stat. 2546; Pub. L. 108-136, div. A, title V, § 524(c), title X, § 1031(a)(58), Nov. 24, 2003, 117 Stat. 1464, 1603; Pub. L. 109-364, div. A, title X, § 1071(a)(38), Oct. 17, 2006, 120 Stat. 2400; Pub. L. 110-229, title VII, § 718(c), May 8, 2008, 122 Stat. 869; Pub. L. 110-417, [div. A], title V, § 540(c), Oct. 14, 2008, 122 Stat. 4454; Pub. L. 111-84, div. A, title V, § 527(c), Oct. 28, 2009, 123 Stat. 2288.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9342(a) .....	10:1092a (1st par., less clauses (a) through (e)). 10:1092a (clauses (a), less 14th through 52d words after 4th semicolon; and less last 32 words). 10:1092a (1st 13 words of clause (b)). 10:1092a (1st 26 words of clause (c)). 10:1092a (clause (d)). 10:1092a (clause (e), less last 53 words). 10:1092a (last par.). 10:1098.	R.S. 1317. June 30, 1950, ch. 421, § 1, 2 (last proviso), 64 stat. 303, 304; June 3, 1954, ch. 251, § 2, 68 Stat. 169.
9342(b) .....	10:1092a (14th through 52d words after 4th semicolon of clause (a)). 10:1092b (last proviso).	
9342(c) .....	10:1092a (last 32 words of clause (a)).	
9342(d) .....	10:1092a (clause (b), less 1st 13 words, and less 1st proviso).	
9342(e) .....	10:1092a (1st proviso of clause (b)).	
9342(f) .....	10:1092a (clause (c), less 1st 26 words).	
9342(g) .....	10:1092a (last 53 words of clause (e)).	

In subsection (a), the words “the authorized strength \* \* \* is as follows—” are substituted for the words “shall be authorized and consist of the following”. The words “at large” and “which totals two thousand four hundred and ninety-six”, and 10:1092a (clause (d)) are omitted as surplusage.

In subsection (b), the words “from whatever source of admission”, in 10:1092a, are omitted as surplusage. 10:1098 (words before last semicolon) is omitted as obsolete.

In subsection (c), the first 15 words are substituted for the words “all of which cadets shall be”. The words “domiciled in” are substituted for the words “actual residents of” to conform to opinions of the Judge Advocate General of the Army (R. 29, 83; J.A.G. 351.11, Feb. 10, 1925).

In subsection (e)(4), the words “armed forces” are substituted for the description of the land or naval forces. The date February 1, 1955, fixed by Proclamation No. 3080 (Jan. 7, 1955; 20 F.R. 173), is substituted for the words “such date as shall thereafter be determined by Presidential proclamation or concurrent resolution of the Congress under section 745 of title 38”. The words “including male and female members of \* \* \* and all components thereof” are omitted as surplusage.

In subsection (f), the words “whether a death is service-connected” are substituted for the words “as to the service connection of the cause of death”.

In subsection (g), the words “(National Guard of the United States, the Air National Guard of the United States and Army Reserve, and the Air Force Reserve)”, “Regular components”, “by members of the National Guard of the United States, and the Air National Guard of the United States”, and “established at the competitive entrance examination” are omitted as surplusage. The word “grades” is substituted for the words “proficiency averages”.

In subsection (h), the words “or shall hereafter be” are omitted as surplusage.

## AMENDMENTS

2009—Subsec. (a)(10). Pub. L. 111-84 substituted “Two cadets” for “One cadet”.

2008—Subsec. (a). Pub. L. 110-417, § 540(c)(1), substituted “4,400 or such lower number” for “4,000 or such higher number” in introductory provisions.

Subsec. (a)(10). Pub. L. 110-229 substituted “Delegate in Congress” for “resident representative”.

Subsec. (j)(1). Pub. L. 110-417, § 540(c)(2), struck out last sentence which read as follows: “However, no increase may be prescribed for any academic year after the 2007-2008 academic year.”

2006—Subsec. (a)(9). Pub. L. 109-364 substituted “cadets” for “cadet”.

2003—Subsec. (a)(6), (8). Pub. L. 108-136, § 524(c)(1), substituted “Three” for “Two”.

Subsec. (a)(9). Pub. L. 108-136, § 524(c)(2), substituted “Two” for “One”.

Subsec. (h). Pub. L. 108-136, § 1031(a)(58), substituted “Superintendent” for “Secretary of the Air Force”.

2002—Subsec. (a). Pub. L. 107-314, § 532(c)(1), inserted before period at end of first sentence “or such higher number as may be prescribed by the Secretary of the Air Force under subsection (j)”.

Subsec. (j). Pub. L. 107-314, § 532(c)(2), added subsec. (j).

2000—Subsec. (b)(1)(B). Pub. L. 106-398, § 1 [[div. A], title V, § 531(c)(1)], struck out “, other than those granted retired pay under section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)” after “retired or retainer pay”.

Subsec. (b)(1)(C), (D). Pub. L. 106-398, § 1 [[div. A], title V, § 531(c)(2)], added subpars. (C) and (D).

1999—Subsec. (a). Pub. L. 106-65, § 531(b)(3)(A), substituted “(determined for any year as of the day before the last day of the academic year) is 4,000. Subject to that limitation, Air Force Cadets are selected as follows:” for “is as follows:” in introductory provisions.

Subsec. (g). Pub. L. 106-65, § 1067(1), substituted “and the Committee on Armed Services” for “and the Committee on National Security” in introductory provisions.

Subsec. (i). Pub. L. 106-65, § 531(b)(3)(B), added subsec. (i).

1997—Subsec. (a)(10). Pub. L. 105-85 substituted “Mariana” for “Marianas”.

1996—Subsec. (a)(10). Pub. L. 104-106, § 532(c), added par. (10).

Subsec. (g). Pub. L. 104-106, § 1502(a)(1), substituted “Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives” for “Committees on Armed Services of the Senate and House of Representatives”.

1994—Subsec. (b)(1)(B). Pub. L. 103-337 substituted “section 12731 of this title (or under section 1331 of this title as in effect before the effective date of the Reserve Officer Personnel Management Act)” for “section 1331 of this title”.

1993—Subsec. (a). Pub. L. 103-160, in concluding provisions, substituted “10 persons” for “a principal candidate and nine alternates” and inserted at end “Nominees may be submitted without ranking or with a principal candidate and 9 ranked or unranked alternates. Qualified nominees not selected for appointment under

this subsection shall be considered qualified alternates for the purposes of selection under other provisions of this chapter.”

1990—Subsec. (a)(8) to (10). Pub. L. 101-510, § 532(c)(1)(A), redesignated cls. (9) and (10) as (8) and (9), respectively, and struck out former cl. (8) which read as follows: “One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States.”

Subsec. (d). Pub. L. 101-510, § 532(c)(1)(B), substituted “clauses (2) through (9)” for “clauses (2)–(7), (9), or (10)”.

Subsec. (f). Pub. L. 101-510, § 532(c)(1)(C), substituted “clauses (3) through (9)” for “clauses (3)–(7), (9) and (10)”.

1989—Subsec. (a)(1). Pub. L. 101-189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1983—Subsec. (a)(8). Pub. L. 98-94, § 1005(b)(3), substituted: “One cadet nominated by the Administrator of the Panama Canal Commission from the children of civilian personnel of the United States Government residing in the Republic of Panama who are citizens of the United States” for “One cadet nominated by the Governor of the Panama Canal from the children of civilians residing in the Canal Zone or the children of civilian personnel of the United States Government, or the Panama Canal Company, residing in the Republic of Panama”.

Subsec. (a)(10). Pub. L. 98-94, § 1005(a)(3), substituted “One cadet from American Samoa, nominated by the Delegate in Congress from American Samoa” for “One cadet from American Samoa nominated by the Secretary of the Air Force upon recommendation of the Governor of American Samoa”.

1981—Subsec. (d). Pub. L. 97-60 substituted provisions authorizing the Superintendent to nominate for appointment each year 50 persons from the country at large for provisions that all cadets were to be appointed by the President and that all such appointments were conditional until the cadets were admitted. See section 9341a of this title.

1980—Subsec. (a)(6), (9). Pub. L. 96-600 substituted “Two cadets” for “One cadet”.

Subsec. (h). Pub. L. 96-513 substituted “The” for “Effective beginning with the nominations for appointment to the Academy in the calendar year 1964, the”.

1975—Subsecs. (a)(1), (8), (b)(1), (c). Pub. L. 94-106 substituted “children” for “sons” wherever appearing.

1973—Subsec. (a)(6). Pub. L. 93-171, § 3(1), substituted “One cadet from the Virgin Islands, nominated by the Delegate in Congress from the Virgin Islands” for “Five cadets from each Territory, nominated by the Delegate in Congress from that Territory”.

Subsec. (a)(9). Pub. L. 93-171, § 3(2), struck out reference to American Samoa and Virgin Islands.

Subsec. (a)(10). Pub. L. 93-171, § 3(3), added cl. (10).

Subsec. (f). Pub. L. 93-171, § 3(4), substituted “, (9) and (10) of subsection (a)” for “and (9) of subsection (a)” and struck out reference to Territory.

1972—Subsec. (a)(1). Pub. L. 92-365 increased number of Air Force Cadets from 40 to 65 and added sons of members who are in missing status and sons of civilian employees who are in missing status as eligible for competitive examination.

1970—Subsec. (a)(5). Pub. L. 91-405 substituted “delegate to the House of Representatives from the District of Columbia” for “Commissioner of that District”.

1968—Subsec. (a). Pub. L. 90-374 increased from five to nine the number of alternates for each vacancy each Senator, Representative, and Delegate in Congress, including the Resident Commissioner from Puerto Rico, is entitled to nominate.

Subsec. (a)(5). Pub. L. 90-623 substituted “Commissioner” for “Commissioners”.

1966—Subsec. (a)(1). Pub. L. 89-650, § 1(1), provided for selection of cadets to the Air Force Academy from sons of members of the armed forces who have a 100 per cen-

tum service-connected disability and removed the limitation to active service during World War I or World War II or after June 26, 1950, and before Feb. 1, 1955.

Subsec. (a)(2). Pub. L. 89-650, § 1(2), provided for nominations to Air Force Academy by President pro tempore of Senate if there is no Vice President.

Subsec. (b)(1). Pub. L. 89-650, § 1(3), increased number of Presidential appointments to Air Force Academy from 75 to 100, provided for selection of eligible persons as stated in items (A) and (B), previously chosen from sons of members of regular components, and declared persons eligible under subsec. (a)(1) ineligible under subsec. (b)(1) of this section.

Subsec. (b)(3). Pub. L. 89-650, § 1(5), substituted “reserve components of the Air Force” for “the Air Force Reserve”.

1964—Pub. L. 88-276 amended section generally, and among other changes, in the noncompetitive appointments, increased the number of cadets nominated by the Vice President from three to five, each Senator, Representative and Delegate from 4 to 5, and the Commissioner of Puerto Rico from 4 to 5, authorized the Governor of Puerto Rico to appoint one cadet, each Senator, Representative and Delegate to nominate a principal and five alternates for each vacancy, and, in the competitive appointments, permitted the President to appoint 75 cadets annually from the sons of members of the Regular components, instead of a cumulative total of 89, the Secretary of the Air Force to appoint 85 cadets annually from enlisted members of the Regular Air Force, instead of a cumulative total of 90, 85 annually from enlisted members of the Air Force Reserve, instead of a cumulative total of 90, 20 annually from honor graduates of designated honor schools and the A.F.R.O.T.C., instead of a cumulative total of 40 from honor schools only, 150 annually, in order of merit, from among the qualified alternates nominated by Members of Congress, and when the quota of cadets selected under subsec. (b)(1), (2), (3) is not filled, to fill the vacancies by appointing those best qualified from any of the three sources, decreased the number of cadets nominated by the Commissioners of the District of Columbia from 6 to 5, and by the Governor of the Panama Canal from 2 to 1, limited appointments to the number that can be adequately accommodated at the Academy, within the limitation that congressional appointments cannot be limited to less than four, and if limited, a priority of selection is established for the other categories, and, beginning in 1964, the Secretary may upon request of a Member of Congress, furnish him the name of any nominating authority responsible for the nomination of any identified person to the Academy.

1962—Subsec. (a)(10). Pub. L. 87-663, § 1(5), added cl. (10).

Subsec. (c). Pub. L. 87-663, § 1(6), inserted references to American Samoa, Guam, and the Virgin Islands, and substituted “Clauses (1)–(5) and (10)” for “clauses (1)–(5)”.

#### EFFECTIVE DATE OF 2009 AMENDMENT

Amendment by Pub. L. 111-84 applicable with respect to appointments to the United States Air Force Academy beginning with the first class of candidates nominated for appointment after Oct. 28, 2009, see section 527(d) of Pub. L. 111-84, set out as a note under section 4342 of this title.

#### EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-417 applicable with respect to academic years at the Air Force Academy after the 2007-2008 academic year, see section 540(d) of Pub. L. 110-417, set out as a note under section 4342 of this title.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by section 524(c) of Pub. L. 108-136 applicable with respect to nomination of candidates for appointment to United States Air Force Academy for

classes entering after Nov. 24, 2003, see section 524(d) of Pub. L. 108-136, set out as a note under section 4342 of this title.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### EFFECTIVE DATE OF 1981 AMENDMENT

Amendment by Pub. L. 97-60 effective with respect to nominations for appointment to the first class admitted to each Academy after Oct. 14, 1981, see section 203(d) of Pub. L. 97-60, set out as an Effective Date note under section 4341a of this title.

#### EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96-600 effective beginning with nominations for appointment to the service academies for academic years beginning more than one year after Dec. 24, 1980, see section 2(d) of Pub. L. 96-600, set out as a note under section 4342 of this title.

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1973 AMENDMENT

Amendment by Pub. L. 93-171 effective beginning with the nominations for appointment to the service academies in the calendar year 1974, see section 4 of Pub. L. 93-171, set out as a note under section 4342 of this title.

#### EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-405 effective Sept. 22, 1970, see section 206(b) of Pub. L. 91-405, set out as an Effective Date note under section 25a of Title 2, The Congress.

#### EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22, 1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of Title 5, Government Organization and Employees.

#### EFFECTIVE DATE; INTERIM SYSTEM FOR APPOINTMENT OF CADETS

Section 52(b) of act Aug. 10, 1956, as amended by Pub. L. 85-182, Aug. 28, 1957, 71 Stat. 463, provided that section 9342(a) of Title 10, Armed Forces would take effect four years after the entrance of the initial class at the United States Air Force Academy. However, for the four-year period beginning with the class of cadets entering in July 1959, not more than one quarter of the number of cadets authorized by clause (1), (2), (3), (4), (7), or (8) of that section could be appointed in any one academic year; two of the number of cadets authorized by clause (5) of that section could be appointed in the first and third years of that four-year period, and not more than one of the number authorized by it could be appointed in the second and fourth years of that period; and one cadet authorized by clause (6) of that section could be appointed in the first two years of that four-year period, and not more than one of the number authorized by it could be appointed in the second two years of that period. In addition, during that four-year period, the nominating authority named in clauses (1) to (6) of that section could select for each cadet allocated to him for the year concerned a principal candidate and not more than ten alternate candidates, or he could nominate as many candidates as the Secretary prescribed and authorize the Secretary to select the principal candidates in order of merit as determined by competitive examination. In carrying out section 9343 of Title 10, during that four-year period, only qualified alternates who were nominated by the authorities

named in clauses (1) to (4) of section 9342(a) could be nominated for appointment as cadets. Not more than one qualified alternate nominated by any one authority named in those classes could be appointed as a cadet, after nomination under section 9343, during each year of that four-year period.

#### LIMITATION ON NUMBER OF CADETS AND MIDSHIPMEN AUTHORIZED TO ATTEND SERVICE ACADEMIES

Authorized strength of service academies not to exceed 4,000 per academy for class years beginning after 1994, and any reduction in number of appointments not to be achieved by reduction in number of appointments under subsec. (a) of this section, see section 511 of Pub. L. 102-190, set out as a note under section 4342 of this title.

#### ELIGIBILITY OF FEMALE INDIVIDUALS FOR APPOINTMENT AND ADMISSION TO SERVICE ACADEMIES; UNIFORM APPLICATION OF ACADEMIC AND OTHER STANDARDS TO MALE AND FEMALE INDIVIDUALS

Secretary required to take such action as may be necessary and appropriate to insure that (1) female individuals shall be eligible for appointment and admission to the United States Air Force Academy, beginning with appointments to such academy for the class beginning in calendar year 1976, and (2) the academic and other relevant standards required for appointment, admission, training, graduation, and commissioning of female individuals shall be the same as those required for male individuals, except for those minimum essential adjustments in such standards required because of physiological differences between male and female individuals, see section 803(a) of Pub. L. 94-106, set out as a note under section 4342 of this title.

#### SECRETARY TO IMPLEMENT POLICY OF EXPEDITIOUS ADMISSION OF WOMEN TO THE ACADEMY

Secretary to continue to exercise the authority granted under this chapter and chapters 403 and 603 of this title, but such authority to be exercised within a program providing for the orderly and expeditious admission of women to the Academy, consistent with the needs of the services, see section 803(c) of Pub. L. 94-106, set out as a note under section 4342 of this title.

### § 9343. Cadets: appointment; to bring to full strength

If it is determined that, upon the admission of a new class to the Academy, the number of cadets at the Academy will be below the authorized number, the Secretary of the Air Force may fill the vacancies by nominating additional cadets from qualified candidates designated as alternates and from other qualified candidates who competed for nomination and are recommended and found qualified by the Academy Board. At least three-fourths of those nominated under this section shall be selected from qualified alternates nominated by the persons named in clauses (2) through (8) of section 9342(a) of this title, and the remainder from qualified candidates holding competitive nominations under any other provision of law. An appointment under this section is an additional appointment and is not in place of an appointment otherwise authorized by law.

(Aug. 10, 1956, ch. 1041, 70A Stat. 564; Pub. L. 88-276, §4(2), Mar. 3, 1964, 78 Stat. 153; Pub. L. 89-718, §46, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 93-171, §3(5), Nov. 29, 1973, 87 Stat. 691; Pub. L. 101-510, div. A, title V, §532(a)(2), (c)(2), Nov. 5, 1990, 104 Stat. 1563, 1564.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9343 .....	10:1092d.	June 30, 1950, ch. 421, § 4, 64 Stat. 305.

The words “If it is determined” are substituted for the words “When upon determination”. The words “within his discretion” are omitted as covered by the word “may”. The words “within the capacity of the Academy”, “from the remaining sources of admission authorized by law”, and “to be admitted in such class” are omitted as surplusage. The words “by the persons named in clauses (1)–(6) of section 9342(a), and clause (2) of section 9342(e), of this title” are substituted for the words “by the Vice President, Members of the Senate and House of Representatives of the United States, Delegates and Resident Commissioners, the Commissioners of the District of Columbia, and the Governor of the Canal Zone”. The words “under any other provision of law” are substituted for the words “from sources authorized by law other than those holding such alternate appointments”.

## AMENDMENTS

1990—Pub. L. 101–510, § 532(a)(2), (c)(2), amended section identically, substituting “clauses (2) through (8)” for “clauses (2)–(9)”.

1973—Pub. L. 93–171 substituted “clauses (2)–(9) of section 9342(a)” for “clauses (2)–(8) of section 9342(a)”.

1966—Pub. L. 89–718 substituted “Academy Board” for “Faculty”.

1964—Pub. L. 88–276, among other changes, increased percentage of nominees to be selected from two-thirds to three-fourths, and struck out “as are necessary to meet the needs of the Air Force, but not more than the authorized strength of Air Force cadets” after “the Faculty”.

## EFFECTIVE DATE OF 1973 AMENDMENT

For effective date of amendment by Pub. L. 93–171, see section 4 of Pub. L. 93–171, set out as a note under section 4342 of this title.

## NUMBER OF ALTERNATE APPOINTEES FROM CONGRESSIONAL SOURCES NOT TO BE REDUCED BECAUSE OF ADDITIONAL PRESIDENTIAL APPOINTMENTS

Nonreduction of number of appointees from congressional sources under this section because of additional Presidential appointments under section 9342(b) (1) of this title, see section 2 of Pub. L. 89–650, set out as a note under section 4343 of this title.

**§ 9344. Selection of persons from foreign countries**

(a)(1) The Secretary of the Air Force may permit not more than 60 persons at any one time from foreign countries to receive instruction at the Academy. Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title.

(2) The Secretary of the Air Force, upon approval by the Secretary of Defense, shall determine the countries from which persons may be selected for appointment under this section and the number of persons that may be selected from each country. The Secretary of the Air Force may establish entrance qualifications and methods of competition for selection among individual applicants under this section and shall select those persons who will be permitted to receive instruction at the Academy under this section.

(3) In selecting persons to receive instruction under this section from among applicants from

the countries approved under paragraph (2), the Secretary of the Air Force shall give a priority to persons who have a national service obligation to their countries upon graduation from the Academy.

(b)(1) A person receiving instruction under this section is entitled to the pay, allowances, and emoluments of a cadet appointed from the United States, and from the same appropriations.

(2) Each foreign country from which a cadet is permitted to receive instruction at the Academy under this section shall reimburse the United States for the cost of providing such instruction, including the cost of pay, allowances, and emoluments provided under paragraph (1). The Secretary of the Air Force shall prescribe the rates for reimbursement under this paragraph, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States.

(3) The Secretary of Defense may waive, in whole or in part, the requirement for reimbursement of the cost of instruction for a cadet under paragraph (2). In the case of a partial waiver, the Secretary shall establish the amount waived.

(c)(1) Except as the Secretary of the Air Force determines, a person receiving instruction under this section is subject to the same regulations governing admission, attendance, discipline, resignation, discharge, dismissal, and graduation as a cadet at the Academy appointed from the United States. The Secretary may prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States.

(2) A person receiving instruction under this section is not entitled to an appointment in an armed force of the United States by reason of graduation from the Academy.

(d) A person receiving instruction under this section is not subject to section 9346(d) of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 564; Pub. L. 98–94, title X, § 1004(c)(1), Sept. 24, 1983, 97 Stat. 659; Pub. L. 105–85, div. A, title V, § 543(c), Nov. 18, 1997, 111 Stat. 1744; Pub. L. 106–65, div. A, title V, § 534(c), Oct. 5, 1999, 113 Stat. 605; Pub. L. 106–398, § 1 [[div. A], title V, § 532(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A–110; Pub. L. 107–107, div. A, title V, § 533(c)(1), (2), Dec. 28, 2001, 115 Stat. 1106.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9344(a) .....	10:1093c (less 3d and last sentences).	June 26, 1946, ch. 493, § 1, 60 Stat. 311; June 1, 1948, ch. 357, § 2, 62 Stat. 280.
9344(b) .....	10:1093c (3d sentence).	
9344(c) .....	10:1093c (last sentence).	

In subsection (a), the words “at West Point, New York” are omitted as inapplicable to the Air Force.

In subsection (b), the words “is entitled to” are substituted for the words “shall receive”. The words “performed in proceeding” are omitted as surplusage. The words “continental limits” are omitted, since section

101(1) of this title defines the United States to include only the States and the District of Columbia.

In subsection (c), the words “to any office or position” are omitted as surplusage; 10:1093c (proviso of last sentence) is omitted, since 10:1099 is inapplicable to the Air Force and section 1321 of the Revised Statutes, previously codified in 10:1101, was repealed by section 6(b) of the Act of June 30, 1950, ch. 421, 64 Stat. 305.

#### AMENDMENTS

2001—Subsec. (a)(1). Pub. L. 107–107, § 533(c)(1), substituted “60” for “40”.

Subsec. (b)(2). Pub. L. 107–107, § 533(c)(2)(A), struck out “unless a written waiver of reimbursement is granted by the Secretary of Defense” before period at end of first sentence.

Subsec. (b)(3). Pub. L. 107–107, § 533(c)(2)(B), added par. (3) and struck out former par. (3) which read as follows: “The amount of reimbursement waived under paragraph (2) may not exceed 50 percent of the per-person reimbursement amount otherwise required to be paid by a foreign country under such paragraph, except in the case of not more than 20 persons receiving instruction at the Air Force Academy under this section at any one time.”

2000—Subsec. (a)(3). Pub. L. 106–398 added par. (3).

1999—Subsec. (b)(3). Pub. L. 106–65 substituted “50 percent” for “35 percent” and “20 persons” for “five persons”.

1997—Subsec. (b)(2). Pub. L. 105–85, § 543(c)(1), substituted “, except that the reimbursement rates may not be less than the cost to the United States of providing such instruction, including pay, allowances, and emoluments, to a cadet appointed from the United States,” for period at end.

Subsec. (b)(3). Pub. L. 105–85, § 543(c)(2), added par. (3).

1983—Pub. L. 98–94 substituted “foreign countries” for “Canada and American Republics” in section catchline.

Subsec. (a). Pub. L. 98–94 amended subsec. (a) generally, substituting “The Secretary of the Air Force may permit not more than 40 persons at any one time from foreign countries to receive instruction at the Academy” and “Such persons shall be in addition to the authorized strength of the Air Force Cadets of the Academy under section 9342 of this title” for “Upon designation by the President, the Secretary of the Air Force may permit not more than 20 persons at any one time from Canada and the American Republics, other than the United States, to receive instruction at the Academy” and “However, not more than three persons from any one of those republics or from Canada may receive instruction under this section at any one time” as the first two sentences of subsec. (a) and designating those sentences as par. (1), and adding par. (2).

Subsec. (b). Pub. L. 98–94 amended subsec. (b) generally, designating existing provisions as par. (1), striking out provisions that had directed that the mileage allowance payable to persons for travel to the Academy for initial admission was not limited to mileage for travel within the United States, and adding par. (2).

Subsec. (c). Pub. L. 98–94 amended subsec. (c) generally, designating first sentence of subsec. (c) as par. (1), inserting provisions authorizing the Secretary to prescribe regulations with respect to access to classified information by a person receiving instruction under this section that differ from the regulations that apply to a cadet at the Academy appointed from the United States, and designating the second sentence of subsec. (c) as par. (2).

Subsec. (d). Pub. L. 98–94, in amending section generally, added subsec. (d).

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107–107, div. A, title V, § 533(c)(3), Dec. 28, 2001, 115 Stat. 1106, provided that: “The amendments made by paragraph (2) [amending this section] shall not apply with respect to any person who entered the United States Air Force Academy to receive instruction under section 9344 of title 10, United States Code,

before the date of the enactment of this Act [Dec. 28, 2001].”

Amendment by Pub. L. 107–107 inapplicable with respect to any academic year that began before Dec. 28, 2001, see section 533(d) of Pub. L. 107–107, set out as a note under section 4344 of this title.

#### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106–398 applicable with respect to academic years that begin after Oct. 1, 2000, see section 1 [[div. A], title V, § 532(d)] of Pub. L. 106–398, set out as a note under section 4344 of this title.

#### EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106–65 applicable with respect to students from a foreign country entering the United States Military Academy, Naval Academy, or Air Force Academy on or after May 1, 1999, see section 534(d) of Pub. L. 106–65, set out as a note under section 4344 of this title.

#### EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by Pub. L. 105–85 applicable with respect to students from foreign country entering United States Military Academy, United States Naval Academy, or United States Air Force Academy on or after May 1, 1998, see section 543(d) of Pub. L. 105–85, set out as a note under section 4344 of this title.

#### EFFECTIVE DATE OF 1983 AMENDMENT

Amendment by Pub. L. 98–94 effective one year after Sept. 24, 1983, and applicable to persons entering the Academy after such date, with subsec. (b)(2) of this section, as amended, not to apply to the cost of providing instruction to a person who, before such date, entered the Academy, see section 1004(d) of Pub. L. 98–94, set out as a note under section 4344 of this title.

#### PERSONS FROM COUNTRIES ASSISTING U.S. IN VIETNAM; AIR FORCE ACADEMY INSTRUCTION; BENEFITS, LIMITATIONS, RESTRICTIONS, AND REGULATIONS; OATH OF TRAINEES

Air Force Academy instruction of persons from countries assisting U.S. in Vietnam, numerical limitation, prohibition against appointment of graduates to the Armed Forces, exemption from oath, etc., see Pub. L. 89–802, Nov. 9, 1966, 80 Stat. 1518, set out as a note under section 4344 of this title.

#### § 9345. Exchange program with foreign military academies

(a) EXCHANGE PROGRAM AUTHORIZED.—The Secretary of the Air Force may permit a student enrolled at a military academy of a foreign country to receive instruction at the Air Force Academy in exchange for an Air Force cadet receiving instruction at that foreign military academy pursuant to an exchange agreement entered into between the Secretary and appropriate officials of the foreign country. Students receiving instruction at the Academy under the exchange program shall be in addition to persons receiving instruction at the Academy under section 9344 of this title.

(b) LIMITATIONS ON NUMBER AND DURATION OF EXCHANGES.—An exchange agreement under this section between the Secretary and a foreign country shall provide for the exchange of students on a one-for-one basis each fiscal year. Not more than 100 Air Force cadets and a comparable number of students from all foreign military academies participating in the exchange program may be exchanged during any fiscal year. The duration of an exchange may not exceed the equivalent of one academic semester at the Air Force Academy.

(c) **COSTS AND EXPENSES.**—(1) A student from a military academy of a foreign country is not entitled to the pay, allowances, and emoluments of an Air Force cadet by reason of attendance at the Air Force Academy under the exchange program, and the Department of Defense may not incur any cost of international travel required for transportation of such a student to and from the sponsoring foreign country.

(2) The Secretary may provide a student from a foreign country under the exchange program, during the period of the exchange, with subsistence, transportation within the continental United States, clothing, health care, and other services to the same extent that the foreign country provides comparable support and services to the exchanged Air Force cadet in that foreign country.

(3) The Air Force Academy shall bear all costs of the exchange program from funds appropriated for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.

(4) Expenditures in support of the exchange program from funds appropriated for the Academy may not exceed \$1,000,000 during any fiscal year.

(d) **APPLICATION OF OTHER LAWS.**—Subsections (c) and (d) of section 9344 of this title shall apply with respect to a student enrolled at a military academy of a foreign country while attending the Air Force Academy under the exchange program.

(e) **REGULATIONS.**—The Secretary shall prescribe regulations to implement this section. Such regulations may include qualification criteria and methods of selection for students of foreign military academies to participate in the exchange program.

(Added Pub. L. 105-85, div. A, title V, § 542(c)(1), Nov. 18, 1997, 111 Stat. 1742; amended Pub. L. 106-65, div. A, title V, § 535(c), Oct. 5, 1999, 113 Stat. 606; Pub. L. 109-364, div. A, title V, § 531(c), Oct. 17, 2006, 120 Stat. 2199.)

#### PRIOR PROVISIONS

A prior section 9345, act Aug. 10, 1956, ch. 1041, 70A Stat. 565, related to selection of Filipinos for instruction at the Air Force Academy, prior to repeal by Pub. L. 98-94, title X, § 1004(c)(2), (d), Sept. 24, 1983, 97 Stat. 660, effective one year after Sept. 24, 1983.

#### AMENDMENTS

2006—Subsec. (b). Pub. L. 109-364, § 531(c)(1), substituted “100” for “24”.

Subsec. (c)(3). Pub. L. 109-364, § 531(c)(2)(A), substituted “for the Academy and such additional funds as may be available to the Academy from a source other than appropriated funds to support cultural immersion, regional awareness, or foreign language training activities in connection with the exchange program.” for “for the Academy. Expenditures in support of the exchange program may not exceed \$120,000 during any fiscal year.”

Subsec. (c)(4). Pub. L. 109-364, § 531(c)(2)(B), added par. (4).

1999—Subsec. (b). Pub. L. 106-65, § 535(c)(1), substituted “24 Air Force cadets” for “10 Air Force cadets”.

Subsec. (c)(3). Pub. L. 106-65, § 535(c)(2), substituted “\$120,000” for “\$50,000”.

#### EFFECTIVE DATE OF 2006 AMENDMENT

Amendment by Pub. L. 109-364 effective Oct. 1, 2008, see section 531(d) of Pub. L. 109-364, set out as a note under section 4345 of this title.

### § 9345a. Foreign and cultural exchange activities

(a) **ATTENDANCE AUTHORIZED.**—The Secretary of the Air Force may authorize the Air Force Academy to permit students, officers, and other representatives of a foreign country to attend the Air Force Academy for periods of not more than two weeks if the Secretary determines that the attendance of such persons contributes significantly to the development of foreign language, cross cultural interactions and understanding, and cultural immersion of cadets.

(b) **COSTS AND EXPENSES.**—The Secretary may pay the travel, subsistence, and similar personal expenses of persons incurred to attend the Air Force Academy under subsection (a).

(c) **EFFECT OF ATTENDANCE.**—Persons attending the Air Force Academy under subsection (a) are not considered to be students enrolled at the Air Force Academy and are in addition to persons receiving instruction at the Air Force Academy under section 9344 or 9345 of this title.

(d) **SOURCE OF FUNDS; LIMITATION.**—(1) The Air Force Academy shall bear the costs of the attendance of persons under subsection (a) from funds appropriated for the Air Force Academy and from such additional funds as may be available to the Air Force Academy from a source, other than appropriated funds, to support cultural immersion, regional awareness, or foreign language training activities in connection with their attendance.

(2) Expenditures from appropriated funds in support of activities under this section may not exceed \$40,000 during any fiscal year.

(Added Pub. L. 110-417, [div. A], title V, § 541(c)(1), Oct. 14, 2008, 122 Stat. 4456.)

### § 9346. Cadets: requirements for admission

(a) To be eligible for admission to the Academy a candidate must be at least 17 years of age and must not have passed his twenty-third birthday on July 1 of the year in which he enters the Academy.

(b) To be admitted to the Academy, an appointee must show, by an examination held under regulations prescribed by the Secretary of the Air Force, that he is qualified in the subjects prescribed by the Secretary.

(c) A candidate designated as a principal or an alternate for appointment as a cadet shall appear for physical examination at a time and place designated by the Secretary.

(d) To be admitted to the Academy, an appointee must take and subscribe to an oath prescribed by the Secretary of the Air Force. If a candidate for admission refuses to take and subscribe to the prescribed oath, his appointment is terminated.

(Aug. 10, 1956, ch. 1041, 70A Stat. 565; Pub. L. 89-718, § 47, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 104-201, div. A, title V, § 555(d), Sept. 23, 1996, 110 Stat. 2527.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9346(a) .....	10:1092b (less provisos).	June 30, 1950, ch. 421, § 2 (less provisos), 64 Stat. 304.
9346(b) .....	10:1096.	R.S. 1319; restated Mar. 2, 1901, ch. 804 (1st proviso under "Permanent Establishment"), 31 Stat. 911.
9346(c) .....	10:1095.	Aug. 9, 1912, ch. 275 (2d proviso under "Permanent Establishment"), 37 Stat. 252.

In subsection (a), the words "Effective January 1, 1951" are omitted as executed. The word "Calendar" is omitted as surplusage. The words "must not have passed his twenty-second birthday" are substituted for the words "not more than twenty-two years of age", to make it clear that a person whose twenty-second birthday falls on July 1 of the year of admission is eligible (see opinion of the Judge Advocate General of the Army (JAGA 1952/7083, 2 Sept. 1952)).

In subsection (b), the words "is qualified in" are substituted for the words "to be well versed in". The words "To be" are substituted for the words "before they shall be". The words "an appointee must show that he is qualified" are substituted for the words "shall be required to be well versed". The words "from time to time" are omitted as surplusage.

In subsection (c), the word "shall" is substituted for the word "may", since the nominee is required to appear for the examination. The word "appear" is substituted for the words "present himself". The words "at a place" are substituted for the words "at West Point, New York, or other prescribed places".

## AMENDMENTS

1996—Subsec. (a). Pub. L. 104-201 substituted "twenty-third birthday" for "twenty-second birthday".

1966—Subsec. (d). Pub. L. 89-718 added subsec. (d).

## AUTHORITY TO WAIVE MAXIMUM AGE LIMITATION ON ADMISSION TO SERVICE ACADEMIES FOR CERTAIN ENLISTED MEMBERS WHO SERVED DURING PERSIAN GULF WAR

For authority to waive maximum age limitation in subsec. (a) of this section on basis of service on active duty in connection with Operation Desert Storm, see section 514 of Pub. L. 102-190, set out as a note under section 4346 of this title.

**§ 9347. Cadets; nominees: effect of redistricting of States**

If as a result of redistricting a State the domicile of a cadet, or a nominee, nominated by a Representative falls within a congressional district other than that from which he was nominated, he is charged to the district in which his domicile so falls. For this purpose, the number of cadets otherwise authorized for that district is increased to include him. However, the number as so increased is reduced by one if he fails to become a cadet or when he is finally separated from the Academy.

(Aug. 10, 1956, ch. 1041, 70A Stat. 565.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9347 .....	10:1091-1.	July 7, 1943, ch. 193, 57 Stat. 383.

The word "domicile" is substituted for the words "place of residence" and "residence" to conform to opinions of the Judge Advocate General of the Army

(R. 29, 83; J.A.G. 351.11, Feb. 10, 1925). The words "a \* \* \* other than that from which he was nominated" are substituted for the word "another". The words "were appointed with respect to", "of the former district", "as additional numbers", "at such academy for the Representative", "temporarily", and "in attendance at such academy under an appointment from such former district" are omitted as surplusage. The words "the district in which his domicile so falls" are substituted for the words "of the latter district". The words "to include him" are substituted for 10:1091-1 (18 words before proviso). The words "but the number as so increased" are substituted for 10:1091-1 (1st 13 words of proviso). The words "if he fails to become a cadet" are inserted for clarity.

**§ 9348. Cadets: agreement to serve as officer**

(a) Each cadet shall sign an agreement with respect to the cadet's length of service in the armed forces. The agreement shall provide that the cadet agrees to the following:

(1) That the cadet will complete the course of instruction at the Academy.

(2) That upon graduation from the Academy the cadet—

(A) will accept an appointment, if tendered, as a commissioned officer of the Regular Air Force; and

(B) will serve on active duty for at least five years immediately after such appointment.

(3) That if an appointment described in paragraph (2) is not tendered or if the cadet is permitted to resign as a regular officer before completion of the commissioned service obligation of the cadet, the cadet—

(A) will accept an appointment as a commissioned officer as a Reserve in the Air Force for service in the Air Force Reserve; and

(B) will remain in that reserve component until completion of the commissioned service obligation of the cadet.

(4) That if an appointment described in paragraph (2) or (3) is tendered and the cadet participates in a program under section 2121 of this title, the cadet will fulfill any unserved obligation incurred under this section on active duty, regardless of the type of appointment held, upon completion of, and in addition to, any service obligation incurred under section 2123 of this title for participation in such program.

(b)(1) The Secretary of the Air Force may transfer to the Air Force Reserve, and may order to active duty for such period of time as the Secretary prescribes (but not to exceed four years), a cadet who breaches an agreement under subsection (a). The period of time for which a cadet is ordered to active duty under this paragraph may be determined without regard to section 651(a) of this title.

(2) A cadet who is transferred to the Air Force Reserve under paragraph (1) shall be transferred in an appropriate enlisted grade or rating, as determined by the Secretary.

(3) For the purposes of paragraph (1), a cadet shall be considered to have breached an agreement under subsection (a) if the cadet is separated from the Academy under circumstances which the Secretary determines constitute a

breach by the cadet of the cadet's agreement to complete the course of instruction at the Academy and accept an appointment as a commissioned officer upon graduation from the Academy.

(c) The Secretary of the Air Force shall prescribe regulations to carry out this section. Those regulations shall include—

(1) standards for determining what constitutes, for the purpose of subsection (b), a breach of an agreement under subsection (a);

(2) procedures for determining whether such a breach has occurred; and

(3) standards for determining the period of time for which a person may be ordered to serve on active duty under subsection(b).

(d) In this section, the term “commissioned service obligation”, with respect to an officer who is a graduate of the Academy, means the period beginning on the date of the officer's appointment as a commissioned officer and ending on the sixth anniversary of such appointment or, at the discretion of the Secretary of Defense, any later date up to the eighth anniversary of such appointment.

(e)(1) This section does not apply to a cadet who is not a citizen or national of the United States.

(2) In the case of a cadet who is a minor and who has parents or a guardian, the cadet may sign the agreement required by subsection (a) only with the consent of a parent or guardian.

(f) A cadet or former cadet who does not fulfill the terms of the agreement as specified under subsection (a), or the alternative obligation imposed under subsection (b), shall be subject to the repayment provisions of section 303a(e) of title 37.

(Aug. 10, 1956, ch. 1041, 70A Stat. 565; Pub. L. 88-276, §5(a), Mar. 3, 1964, 78 Stat. 153; Pub. L. 88-647, title III, §301(25), Oct. 13, 1964, 78 Stat. 1073; Pub. L. 98-525, title V, §§541(c), 542(d), Oct. 19, 1984, 98 Stat. 2529; Pub. L. 99-145, title V, §512(c), Nov. 8, 1985, 99 Stat. 625; Pub. L. 101-189, div. A, title V, §511(d), title XVI, §1622(e)(5), Nov. 29, 1989, 103 Stat. 1439, 1605; Pub. L. 104-106, div. A, title V, §531(c), Feb. 10, 1996, 110 Stat. 314; Pub. L. 109-163, div. A, title VI, §687(c)(11), Jan. 6, 2006, 119 Stat. 3335; Pub. L. 111-84, div. A, title X, §1073(a)(29), Oct. 28, 2009, 123 Stat. 2474; Pub. L. 111-383, div. A, title V, §554(c), Jan. 7, 2011, 124 Stat. 4221.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9348 .....	10:1092c.	June 30, 1950, ch. 421, §3, 64 Stat. 304.

The word “agreement” is substituted for the word “articles”. The words “Hereafter”, “appointed to the United States Military Academy”, “engage”, and 10:1092c (1st 25 words of clause (2) are omitted as surplusage. The word “separated” is substituted for the words “discharged by competent authority”. The words “if he is permitted to resign” are substituted for the words “in the event of the acceptance of his resignation”, since a resignation is effective only when accepted. The first 32 words of clause (3) are substituted for 10:1092c (last 29 words of clause (3)). The last sentence is substituted for the words “with the consent of his parents or guardian if he be a minor, and if any he have”.

#### AMENDMENTS

2011—Subsec. (a)(4). Pub. L. 111-383 added par. (4).

2009—Subsec. (f). Pub. L. 111-84 substituted “subsection (a)” for “section (a)”.

2006—Subsec. (f). Pub. L. 109-163 added subsec. (f).

1996—Subsec. (a)(2)(B). Pub. L. 104-106 substituted “five years” for “six years”.

1989—Subsec. (a)(2)(B). Pub. L. 101-189, §511(d), substituted “six years” for “five years”.

Subsec. (d). Pub. L. 101-189, §1622(e)(5), inserted “the term” after “In this section,”.

1985—Pub. L. 99-145 amended section generally. Prior to amendment, section read as follows:

“(a) Each cadet who is a citizen or national of the United States shall sign an agreement that he will—

“(1) unless sooner separated from the Academy, complete the course of instruction at the Academy;

“(2) accept an appointment and, unless sooner separated from the service, serve as a commissioned officer of the Regular Air Force for at least the five years immediately after graduation; and

“(3) accept an appointment as a commissioned officer as a Reserve for service in the Air Force Reserve and, unless sooner separated from the service, remain therein until at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary of his graduation, if an appointment in the Regular Air Force is not tendered to him, or if he is permitted to resign as a commissioned officer of that component before that anniversary.

If the cadet is a minor and has parents or a guardian, he may sign the agreement only with the consent of the parents or guardian.

“(b) A cadet who does not fulfill his agreement under subsection (a) may be transferred by the Secretary of the Air Force to the Air Force Reserve in an appropriate enlisted grade and, notwithstanding section 651 of this title, may be ordered to active duty to serve in that grade for such period of time as the Secretary prescribes but not for more than four years.”

1984—Subsec. (a). Pub. L. 98-525, §541(c), struck out “, unless sooner separated,” in introductory text before “he will”; inserted in cl. (1) “unless sooner separated from the Academy,”; and inserted “, unless sooner separated from the service,” in cls. (2) and (3).

Subsec. (a)(3). Pub. L. 98-525, §542(d), substituted “at least the sixth anniversary and, at the direction of the Secretary of Defense, up to the eighth anniversary” for “the sixth anniversary”.

1964—Pub. L. 88-647 designated existing provisions as subsec. (a) and added subsec. (b).

Subsec. (a)(2). Pub. L. 88-276 substituted “five” for “three”.

#### EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 applicable to persons first admitted to United States Military Academy, United States Naval Academy, and United States Air Force Academy after Dec. 31, 1991, see section 531(e) of Pub. L. 104-106, set out as a note under section 4348 of this title.

#### EFFECTIVE DATE OF 1989 AMENDMENT

Amendment by section 511(d) of Pub. L. 101-189 applicable to persons who are first admitted to one of the military service academies after Dec. 31, 1991, see section 511(e) of Pub. L. 101-189, as amended, set out as a note under section 2114 of this title.

#### EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 (other than with respect to the authority of the Secretary of the Air Force to prescribe regulations) effective on the date on which regulations prescribed by the Secretary take effect and applicable to agreements entered into under this section on or after the effective date of such regulations and also with respect to each such agreement that was entered into before the effective date of such regulations by an individual who is a cadet on such date, see



section 512(e) of Pub. L. 99-145, set out as a note under section 4348 of this title.

#### EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by section 541(c) of Pub. L. 98-525 applicable with respect to agreements entered into under this section before, on, or after Oct. 19, 1984, see section 541(d) of Pub. L. 98-525, set out as a note under section 4348 of this title.

#### EFFECTIVE DATE OF 1964 AMENDMENT; OBLIGATED PERIOD OF SERVICE

For effective date of amendment by Pub. L. 88-276, see section 5(c) of Pub. L. 88-276, set out as a note under section 4348 of this title.

#### REGULATIONS IMPLEMENTING 1985 AMENDMENT

Secretary of the Air Force to prescribe regulations required by subsec. (c) of this section as added by Pub. L. 99-145 not later than the end of the 90-day period beginning on Nov. 8, 1985, see section 512(d) of Pub. L. 99-145, set out as a note under section 4348 of this title.

#### SAVINGS PROVISION

For savings provision relating to payment or repayment of any bonus, incentive pay, special pay, or similar pay obligated to be paid before Apr. 1, 2006, under a provision of this section amended by section 687(c) of Pub. L. 109-163, see section 687(f) of Pub. L. 109-163, set out as a note under section 510 of this title.

#### DEPARTMENT OF DEFENSE POLICY ON SERVICE ACADEMY AND ROTC GRADUATES SEEKING TO PARTICIPATE IN PROFESSIONAL SPORTS BEFORE COMPLETION OF THEIR ACTIVE-DUTY SERVICE OBLIGATIONS

Secretary of Defense to prescribe, not later than July 1, 2007, Department of Defense policy on whether to authorize service academy and ROTC graduates to participate in professional sports before the completion of their obligations for service on active duty, see section 533 of Pub. L. 109-364, set out as a note under section 4348 of this title.

### § 9349. Cadets: organization; service; instruction

(a) A cadet shall perform duties at such places and of such type as the President may direct.

(b) The course of instruction at the Academy is four years.

(c) The Secretary of the Air Force shall so arrange the course of studies at the Academy that cadets are not required to pursue their studies on Sunday.

(d) Cadets shall be trained in the duties of members of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9349(a) .....	10:1102.	R.S. 1322.
9349(b) .....	10:1043.	R.S. 1323.
9349(c) .....	10:1044.	Mar. 30, 1920, ch. 112 (1st par., less provisos, under "Miscellaneous"), 41 Stat. 548.
9349(d) .....	10:1105.	R.S. 1324.

In subsection (a), the word "commissioned" is inserted for clarity. 10:1105 (2d sentence) is omitted as obsolete.

In subsection (b), the word "perform" is substituted for the words "be subject at all times to do". The words "of such type" are substituted for the words "on such service".

In subsection (e), the words "members of the Air Force" are substituted for the words "private soldier, noncommissioned officer, and officer". The words

"taught and" are omitted as surplusage. 10:1105 (less 1st 18 words of last sentence) is omitted as inapplicable to the Air Force.

### § 9350. Cadets: clothing and equipment

(a) The Secretary of the Air Force may prescribe the amount to be credited to a cadet, upon original admission to the Academy, for the cost of his initial issue of clothing and equipment. That amount shall be deducted from his pay. If a cadet is discharged before graduation while owing the United States for pay advanced for the purchase of required clothing and equipment, he shall turn in so much of his clothing and equipment of a distinctive military nature as is necessary to repay the amount advanced. If the value of the clothing and equipment turned in does not cover the amount owed, the indebtedness shall be canceled.

(b) Under such regulations as the Secretary may prescribe, uniforms and equipment shall be furnished to a cadet at the Academy upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9350(a) .....	10:1149a.	Aug. 31, 1918, ch. 166, § 9 (17th through 22d words), 40 Stat. 957.
9350(b) .....	10:1106.	Aug. 22, 1951, ch. 340, § 1, 65 Stat. 196.

In subsection (a), the words "while owing the United States for pay advanced for the purpose of" are substituted for the words "who is indebted to the United States on account of advances in pay to purchase". The words "as is necessary to repay the amount advanced" are substituted for the words "to the extent required to discharge such indebtedness".

In subsection (b), the word "accouterments" is omitted as surplusage. The words "by the Government" and "such restrictions and" are omitted as surplusage. The words "at cost" are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

### § 9351. Cadets: deficiencies in conduct or studies; effect of failure on successor

(a) A cadet who is reported as deficient in conduct or studies and recommended to be discharged from the Academy may not, unless recommended by the Academy Board, be returned or reappointed to the Academy.

(b) Any cadet who fails to pass a required examination because he is deficient in any one subject of instruction is entitled to a reexamination of equal scope and difficulty in that subject, if he applies in writing to the Superintendent within 10 days after he is officially notified of his failure. The reexamination shall be held within 60 days after the date of his application. If the cadet passes the reexamination and is otherwise qualified, he shall be readmitted to the Academy. If he fails, he may not have another examination.

(c) The failure of a member of a graduating class to complete the course with his class does not delay the admission of his successor.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9351(a) .....	10:1104.	Aug. 11, 1916, ch. 314 (3d, 4th, and 5th provisos under "Permanent Establishment"), 39 Stat. 493.
9351(b) .....	10:1103.	R.S. 1325.
9351(c) .....	10:1092b (1st proviso).	June 30, 1950, ch. 421, § 2 (1st proviso), 64 Stat. 304.

In subsection (a), 10:1104 (last 20 words) is omitted as superseded by section 8287(d) of this title.

In subsection (b), the words "is entitled to" are substituted for the words "shall have the right to apply". The words "of equal scope and difficulty in that subject" are substituted for the words "by compliance with the requirements existing at the time of the first examination".

In subsection (c), the words "by reason of sickness, or deficiency in his studies, or other cause" are omitted as surplusage.

#### § 9352. Cadets: hazing

(a) Subject to the approval of the Secretary of the Air Force, the Superintendent of the Academy shall issue regulations—

- (1) defining hazing;
- (2) designed to prevent that practice; and
- (3) prescribing dismissal, suspension, or other adequate punishment for violations.

(b) If a cadet who is charged with violating a regulation issued under subsection (a), the penalty for which is or may be dismissal from the Academy, requests in writing a trial by a general court-martial, he may not be dismissed for that offense except under sentence of such a court.

(c) A cadet dismissed from the Academy for hazing may not be reappointed as an Air Force cadet, and is ineligible for appointment as a commissioned officer in a regular component of the Army, Navy, Air Force, or Marine Corps, until two years after the graduation of his class.

(Aug. 10, 1956, ch. 1041, 70A Stat. 566.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9352(a) .....	10:1163 (1st par.).	Mar. 2, 1901, ch. 804 (2d proviso under "Permanent Establishment");
9352(b) .....	10:1163 (1st 32 words of last par.).	reinstated Apr. 19, 1910, ch. 174 (38th par. under "Buildings and Grounds"), 36 Stat. 323.
9352(c) .....	10:1163 (last par., less 1st 32 words).	

In subsection (a), the word "violations" is substituted for the words "infractions of the same". The words "to embody a clear" are omitted as surplusage.

In subsection (b), the words "the penalty for which is or may be" are substituted for the words "which would involve". The words "may not be dismissed for that offense except under sentence of such a court" are substituted for the words "shall be granted".

In subsection (c), the words "a regular component" are inserted, since the source statute historically applied only to the regular components.

#### § 9353. Cadets: degree and commission on graduation

(a) The Superintendent of the Academy may, under such conditions as the Secretary of the

Air Force may prescribe, confer the degree of bachelor of science upon graduates of the Academy.

(b) Notwithstanding any other provision of law, a cadet who completes the prescribed course of instruction may, upon graduation, be appointed a second lieutenant in the Regular Air Force under section 531 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 567; Pub. L. 85-861, §§1(201), 33(a)(43), Sept. 2, 1958, 72 Stat. 1541, 1567; Pub. L. 96-513, title V, § 504(25), Dec. 12, 1980, 94 Stat. 2917; Pub. L. 105-85, div. A, title V, § 542(d), Nov. 18, 1997, 111 Stat. 1743.)

#### HISTORICAL AND REVISION NOTES

##### 1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9353(a) .....	10:486a (less last sentence).	May 25, 1933, ch. 37 (less last sentence); restated Aug. 9, 1946, ch. 932 (less last sentence); restated Aug. 4, 1949, ch. 393, §13; restated Aug. 18, 1949, ch. 476 (less last sentence), 63 Stat. 615.
9353(b) .....	10:506c(f) (1st sentence, less last 43 words).	Aug. 7, 1947, ch. 512, § 506(f) (1st sentence, less last 43 words), 61 Stat. 892.

In subsection (a), the last 27 words are substituted for 10:486a (last sentence). The words "rules and" and "from and after the date of the accrediting of said Academy" are omitted as surplusage. The word "conditions" is substituted for the word "regulations".

In subsection (b), the words "except section 541 of this title" are inserted to reflect the authority to appoint graduates of one service academy as officers of another service.

##### 1958 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9353(b) .....	10 App.:1850c(e) (1st sentence).	July 20, 1956, ch. 646, § 203(e) (1st sentence), 70 Stat. 585.

It is unnecessary to include a reference to section 541 of title 10, since that section does not derogate from the authority granted in this section.

The change reflects the opinion of the Judge Advocate General of the Air Force (July 19, 1957) that the words "from and after the date of the accrediting of said academies" in the source law for section 9353(a) (Act of May 25, 1933, ch. 37 (48 Stat. 73), as amended) were a condition precedent to the authority to grant degrees and should not have been omitted.

#### AMENDMENTS

1997—Subsec. (a). Pub. L. 105-85 substituted "The" for "After the date of the accrediting of the Academy, the".

1980—Subsec. (b). Pub. L. 96-513 inserted "under section 531 of this title" after "Regular Air Force".

1958—Subsec. (a). Pub. L. 85-861, §33(a)(43), permitted conferring of degrees only after date of accrediting of Academy.

Subsec. (b). Pub. L. 85-861, §1(201), struck out "except section 541 of this title" after "provision of law".

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by section 33(a)(43) of Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

**§ 9354. Buildings and grounds: buildings for religious worship**

The Secretary of the Air Force may authorize any denomination, sect, or religious body to erect a building for religious worship at the Air Force Academy, if its erection will not interfere with the use of the reservation for military purposes and will be without expense to the United States. Such a building shall be removed, or its location changed, without compensation for it and without expense to the United States, by the denomination, sect, or religious body that erected it, whenever in the opinion of the Secretary public or military necessity so requires.

(Aug. 10, 1956, ch. 1041, 70A Stat. 567.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9354 .....	10:1126.	July 8, 1898, ch. 636, 30 Stat. 722.

The words “in his discretion” and “Government of” are omitted as surplusage. The words “United States” are substituted for the word “Government”.

**§ 9355. Board of Visitors**

(a) A Board of Visitors to the Academy is constituted annually. The Board consists of the following members:

- (1) Six persons designated by the President.
- (2) The chairman of the Committee on Armed Services of the House of Representatives, or his designee.
- (3) Four persons designated by the Speaker of the House of Representatives, three of whom shall be members of the House of Representatives and the fourth of whom may not be a member of the House of Representatives.
- (4) The chairman of the Committee on Armed Services of the Senate, or his designee.
- (5) Three other members of the Senate designated by the Vice President or the President pro tempore of the Senate, two of whom are members of the Committee on Appropriations of the Senate.

(b)(1) The persons designated by the President serve for three years each except that any member whose term of office has expired shall continue to serve until his successor is designated. The President shall designate persons each year to succeed the members designated by the President whose terms expire that year.

(2) At least two of the members designated by the President shall be graduates of the Academy.

(c)(1) If a member of the Board dies or resigns or is terminated as a member of the Board under paragraph (2), a successor shall be designated for the unexpired portion of the term by the official who designated the member.

(2)(A) If a member of the Board fails to attend two successive Board meetings, except in a case in which an absence is approved in advance, for good cause, by the Board chairman, such failure shall be grounds for termination from membership on the Board. A person designated for membership on the Board shall be provided notice of the provisions of this paragraph at the time of such designation.

(B) Termination of membership on the Board under subparagraph (A)—

(i) in the case of a member of the Board who is not a member of Congress, may be made by the Board chairman; and

(ii) in the case of a member of the Board who is a member of Congress, may be made only by the official who designated the member.

(C) When a member of the Board is subject to termination from membership on the Board under subparagraph (A), the Board chairman shall notify the official who designated the member. Upon receipt of such a notification with respect to a member of the Board who is a member of Congress, the official who designated the member shall take such action as that official considers appropriate.

(d) The Board should meet at least four times a year, with at least two of those meetings at the Academy. The Board or its members may make other visits to the Academy in connection with the duties of the Board. Board meetings should last at least one full day. Board members shall have access to the Academy grounds and the cadets, faculty, staff, and other personnel of the Academy for the purposes of the duties of the Board.

(e)(1) The Board shall inquire into the morale, discipline, and social climate, the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Academy that the Board decides to consider.

(2) The Secretary of the Air Force and the Superintendent of the Academy shall provide the Board candid and complete disclosure, consistent with applicable laws concerning disclosure of information, with respect to institutional problems.

(3) The Board shall recommend appropriate action.

(f) The Board shall prepare a semiannual report containing its views and recommendations pertaining to the Academy, based on its meeting since the last such report and any other considerations it determines relevant. Each such report shall be submitted concurrently to the Secretary of Defense, through the Secretary of the Air Force, and to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(g) Upon approval by the Secretary, the Board may call in advisers for consultation.

(h) While performing duties as a member of the Board, each member of the Board and each adviser shall be reimbursed under Government travel regulations for travel expenses.

(Aug. 10, 1956, ch. 1041, 70A Stat. 567; Pub. L. 96-579, §13(c), Dec. 23, 1980, 94 Stat. 3369; Pub. L. 104-106, div. A, title X, §1061(e)(2), title XV, §1502(a)(12), Feb. 10, 1996, 110 Stat. 443, 503; Pub. L. 106-65, div. A, title X, §1067(1), Oct. 5, 1999, 113 Stat. 774; Pub. L. 108-375, div. A, title V, §543, Oct. 28, 2004, 118 Stat. 1904; Pub. L. 109-364, div. A, title X, §1071(a)(39), Oct. 17, 2006, 120 Stat. 2400.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9355(a) .....	10:1055.	June 29, 1948, ch. 714, §§1-6, 62 Stat. 1094; June 30, 1954, ch. 432, § 732, 68 Stat. 356.
9355(b) .....	10:1056 (1st sentence).	
	10:1056 (less 1st sentence).	
9355(c) .....	10:1057.	
9355(d) .....	10:1058.	
9355(e) .....	10:1059(a).	
9355(f) .....	10:1059(b).	
9355(g) .....	10:1059(c).	
9355(h) .....	10:1060.	

In subsections (a) and (b), the word “designated” is substituted for the word “appointed” to make it clear that the positions described are not constitutional offices.

Subsection (b) is substituted for 10:1056(e) (less 1st sentence).

In subsection (c), the words “during the term for which such member was appointed” and “Such successor shall be appointed \* \* \* who died or resigned” are omitted as surplusage.

In subsection (g), the words “as it may deem necessary or advisable to effectuate the duties imposed upon it by the provisions of sections 1055–1060 of this title” are omitted as surplusage.

In subsection (h), the words “called for consultation by the Board in connection with the business of the Board” are omitted as surplusage.

## AMENDMENTS

2006—Subsec. (c)(1). Pub. L. 109–364 substituted “Board under paragraph (2)” for “board under paragraph (2)”.

2004—Pub. L. 108–375 amended section generally. Prior to amendment, section contained provisions relating to membership of Board of Visitors in subsec. (a), term of office in subsec. (b), designation of successor in subsec. (c), frequency of Academy visits in subsec. (d), scope of Board inquiries in subsec. (e), submission of reports in subsec. (f), calling in of advisers in subsec. (g), and reimbursement for travel in subsec. (h).

1999—Subsec. (a)(3). Pub. L. 106–65 substituted “Committee on Armed Services” for “Committee on National Security”.

1996—Subsec. (a)(3). Pub. L. 104–106, §1502(a)(12), substituted “National Security” for “Armed Services”.

Subsec. (h). Pub. L. 104–106, §1061(e)(2), struck out “is entitled to not more than \$5 a day and” after “each adviser”.

1980—Subsec. (b). Pub. L. 96–579 required member whose term of office had expired to continue service until appointment of a successor.

**§ 9356. Acceptance of guarantees with gifts for major projects**

(a) **ACCEPTANCE AUTHORITY.**—Subject to subsection (c), the Secretary of the Air Force may accept from a donor or donors a qualified guarantee for the completion of a major project for the benefit of the Academy.

(b) **OBLIGATION AUTHORITY.**—The amount of a qualified guarantee accepted under this section shall be considered as contract authority to provide obligation authority for purposes of Federal fiscal and contractual requirements. Funds available for a project for which such a guarantee has been accepted may be obligated and expended for the project without regard to whether the total amount of the funds and other resources available for the project (not taking into account the amount of the guarantee) is sufficient to pay for completion of the project.

(c) **NOTICE OF PROPOSED ACCEPTANCE.**—The Secretary of the Air Force may not accept a qualified guarantee under this section for the

completion of a major project until after the expiration of 30 days following the date upon which a report of the facts concerning the proposed guarantee is submitted to Congress or, if earlier, the expiration of 14 days following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title.

(d) **PROHIBITION ON COMMINGLING OF FUNDS.**—The Secretary of the Air Force may not enter into any contract or other transaction involving the use of a qualified guarantee and appropriated funds in the same contract or transaction.

(e) **DEFINITIONS.**—In this section:

(1) **MAJOR PROJECT.**—The term “major project” means a project for the purchase or other procurement of real or personal property, or for the construction, renovation, or repair of real or personal property, the total cost of which is, or is estimated to be, at least \$1,000,000.

(2) **QUALIFIED GUARANTEE.**—The term “qualified guarantee”, with respect to a major project, means a guarantee that—

(A) is made by one or more persons in connection with a donation, specifically for the project, of a total amount in cash or securities that, as determined by the Secretary of the Air Force, is sufficient to defray a substantial portion of the total cost of the project;

(B) is made to facilitate or expedite the completion of the project in reasonable anticipation that other donors will contribute sufficient funds or other resources in amounts sufficient to pay for completion of the project;

(C) is set forth as a written agreement that provides for the donor to furnish in cash or securities, in addition to the donor’s other gift or gifts for the project, any additional amount that may become necessary for paying the cost of completing the project by reason of a failure to obtain from other donors or sources funds or other resources in amounts sufficient to pay the cost of completing the project; and

(D) is accompanied by—

(i) an irrevocable and unconditional standby letter of credit for the benefit of the Academy that is in the amount of the guarantee and is issued by a major United States commercial bank; or

(ii) a qualified account control agreement.

(3) **QUALIFIED ACCOUNT CONTROL AGREEMENT.**—The term “qualified account control agreement”, with respect to a guarantee of a donor, means an agreement among the donor, the Secretary of the Air Force, and a major United States investment management firm that—

(A) ensures the availability of sufficient funds or other financial resources to pay the amount guaranteed during the period of the guarantee;

(B) provides for the perfection of a security interest in the assets of the account for the United States for the benefit of the Academy with the highest priority available

for liens and security interests under applicable law;

(C) requires the donor to maintain in an account with the investment management firm assets having a total value that is not less than 130 percent of the amount guaranteed; and

(D) requires the investment management firm, at any time that the value of the account is less than the value required to be maintained under subparagraph (C), to liquidate any noncash assets in the account and reinvest the proceeds in Treasury bills issued under section 3104 of title 31.

(4) MAJOR UNITED STATES COMMERCIAL BANK.—The term “major United States commercial bank” means a commercial bank that—

(A) is an insured bank (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813));

(B) is headquartered in the United States; and

(C) has net assets in a total amount considered by the Secretary of the Air Force to qualify the bank as a major bank.

(5) MAJOR UNITED STATES INVESTMENT MANAGEMENT FIRM.—The term “major United States investment management firm” means any broker, dealer, investment adviser, or provider of investment supervisory services (as defined in section 3 of the Securities Exchange Act of 1934 (15 U.S.C. 78c) or section 202 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-2)) or a major United States commercial bank that—

(A) is headquartered in the United States; and

(B) holds for the account of others investment assets in a total amount considered by the Secretary of the Air Force to qualify the firm as a major investment management firm.

(Added Pub. L. 106-65, div. B, title XXVIII, §2871(c)(1), Oct. 5, 1999, 113 Stat. 875; amended Pub. L. 106-398, §1 [[div. A], title X, §1087(a)(17)], Oct. 30, 2000, 114 Stat. 1654, 1654A-291; Pub. L. 108-136, div. A, title X, §1031(a)(59), Nov. 24, 2003, 117 Stat. 1603.)

#### PRIOR PROVISIONS

A prior section 9356, added Pub. L. 103-337, div. A, title V, §556(c)(1), Oct. 5, 1994, 108 Stat. 2775, related to position of athletic director of Academy and to administration of nonappropriated fund account for athletics program of Academy, prior to repeal by Pub. L. 104-106, div. A, title V, §533(c)(1), Feb. 10, 1996, 110 Stat. 315.

#### AMENDMENTS

2003—Subsec. (c). Pub. L. 108-136 inserted before period at end “or, if earlier, the expiration of 14 days following the date on which a copy of the report is provided in an electronic medium pursuant to section 480 of this title”.

2000—Subsec. (e)(5). Pub. L. 106-398 inserted a closing parenthesis after “80b-2)” in introductory provisions.

### **§ 9357. Grants for faculty research for scientific, literary, and educational purposes: acceptance; authorized grantees**

(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Air Force may authorize the

Superintendent of the Academy to accept qualifying research grants under this section. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the Academy for a scientific, literary, or educational purpose.

(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The Superintendent shall use the funds in the account in accordance with applicable regulations and the terms and conditions of the grants received.

(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Academy may be used to pay expenses incurred by the Academy in applying for, and otherwise pursuing, award of a qualifying research grant.

(f) REGULATIONS.—The Secretary of the Air Force shall prescribe regulations for the administration of this section.

(Added Pub. L. 105-261, div. A, title X, §1063(c)(1), Oct. 17, 1998, 112 Stat. 2131.)

### **§ 9359. Mixed-funded athletic and recreational extracurricular programs: authority to manage appropriated funds in same manner as nonappropriated funds**

(a) AUTHORITY.—In the case of an Academy mixed-funded athletic or recreational extracurricular program, the Secretary of the Air Force may designate funds appropriated to the Department of the Air Force and available for that program to be treated as nonappropriated funds and expended for that program in accordance with laws applicable to the expenditure of nonappropriated funds. Appropriated funds so designated shall be considered to be nonappropriated funds for all purposes and shall remain available until expended.

(b) COVERED PROGRAMS.—In this section, the term “Academy mixed-funded athletic or recreational extracurricular program” means an athletic or recreational extracurricular program of the Academy to which each of the following applies:

(1) The program is not considered a morale, welfare, or recreation program.

(2) The program is supported through appropriated funds.

(3) The program is supported by a nonappropriated fund instrumentality.

(4) The program is not a private organization and is not operated by a private organization.

(Added Pub. L. 108-375, div. A, title V, §544(c)(1), Oct. 28, 2004, 118 Stat. 1907.)

## EFFECTIVE DATE

Section applicable only with respect to funds appropriated for fiscal years after fiscal year 2004, see section 544(d) of Pub. L. 108-375, set out as a note under section 4359 of this title.

**§ 9360. Cadets: charges and fees for attendance; limitation**

(a) PROHIBITION.—Except as provided in subsection (b), no charge or fee for tuition, room, or board for attendance at the Academy may be imposed unless the charge or fee is specifically authorized by a law enacted after October 5, 1994.

(b) EXCEPTION.—The prohibition specified in subsection (a) does not apply with respect to any item or service provided to cadets for which a charge or fee is imposed as of October 5, 1994. The Secretary of Defense shall notify Congress of any change made by the Academy in the amount of a charge or fee authorized under this subsection.

(Added Pub. L. 108-375, div. A, title V, § 545(c)(1), Oct. 28, 2004, 118 Stat. 1908.)

**§ 9361. Policy on sexual harassment and sexual violence**

(a) REQUIRED POLICY.—Under guidance prescribed by the Secretary of Defense, the Secretary of the Air Force shall direct the Superintendent of the Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Academy.

(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence prescribed under this section shall include specification of the following:

(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

(2) Procedures that a cadet should follow in the case of an occurrence of sexual harassment or sexual violence, including—

(A) if the cadet chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and the options for confidential reporting;

(B) a specification of any other person whom the victim should contact; and

(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

(3) Procedures for disciplinary action in cases of alleged criminal sexual assault involving a cadet or other Academy personnel.

(4) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or any other criminal sexual offense, whether forcible or nonforcible.

(5) Required training on the policy for all cadets and other Academy personnel, including the specific training required for personnel who process allegations of sexual harassment or sexual violence involving Academy personnel.

(c) ANNUAL ASSESSMENT.—(1) The Secretary of Defense, through the Secretary of the Air Force, shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment, to be administered by the Department of Defense, to determine the effectiveness of the policies, training, and procedures of the Academy with respect to sexual harassment and sexual violence involving Academy personnel.

(2) For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Secretary of the Air Force shall conduct a survey, to be administered by the Department of Defense, of Academy personnel—

(A) to measure—

(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to officials of the Academy; and

(ii) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have not been reported to officials of the Academy; and

(B) to assess the perceptions of Academy personnel of—

(i) the policies, training, and procedures on sexual harassment and sexual violence involving Academy personnel;

(ii) the enforcement of such policies;

(iii) the incidence of sexual harassment and sexual violence involving Academy personnel; and

(iv) any other issues relating to sexual harassment and sexual violence involving Academy personnel.

(d) ANNUAL REPORT.—(1) The Secretary of the Air Force shall direct the Superintendent of the Academy to submit to the Secretary a report on sexual harassment and sexual violence involving cadets or other personnel at the Academy for each Academy program year.

(2) Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Academy officials during the program year and, of those reported cases, the number that have been substantiated.

(B) The policies, procedures, and processes implemented by the Secretary of the Air Force and the leadership of the Academy in response to sexual harassment and sexual violence involving cadets or other Academy personnel during the program year.

(C) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

(3) Each report under paragraph (1) for an Academy program year that begins in an odd-numbered calendar year shall include the results of the survey conducted in that program year under subsection (c)(2).

(4)(A) The Secretary of the Air Force shall transmit to the Secretary of Defense, and to the Board of Visitors of the Academy, each report received by the Secretary under this subsection, together with the Secretary's comments on the report.

(B) The Secretary of Defense shall transmit each such report, together with the Secretary's comments on the report, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

(Added Pub. L. 109-364, div. A, title V, § 532(a)(3), Oct. 17, 2006, 120 Stat. 2203.)

**FURTHER INFORMATION FROM CADETS AND MIDSHIPMEN  
AT THE SERVICE ACADEMIES ON SEXUAL ASSAULT AND  
SEXUAL HARASSMENT ISSUES**

Secretary of a military department to provide for focus groups to ascertain information relating to sexual assault and sexual harassment issues in any year in which the Secretary is not required by law to conduct a survey on such matters at the service academy under the Secretary's jurisdiction and to include such information in the Secretary's annual report to Congress, see section 532(b) of Pub. L. 109-364, set out as a note under section 4361 of this title.

**§ 9362. Support of athletic programs**

(a) CORPORATION FOR SUPPORT AUTHORIZED.—(1) The Secretary of the Air Force may, in accordance with the laws of the State of incorporation, establish a corporation (in this section referred to as the "corporation") to support the athletic programs of the Academy. All stock of the corporation shall be owned by the United States and held in the name of and voted by the Secretary of the Air Force.

(2) The corporation shall operate exclusively for charitable, educational, and civic purposes to support the athletic programs of the Academy.

(b) CORPORATE ORGANIZATION.—The corporation shall be organized and operated—

(1) as a nonprofit corporation under section 501(c)(3) of the Internal Revenue Code of 1986;

(2) in accordance with this section; and

(3) pursuant to the laws of the State of incorporation, its articles of incorporation, and its bylaws.

(c) CORPORATE BOARD OF DIRECTORS.—(1) The members of the board of directors of the corporation shall serve without compensation as members of the board, except for reasonable travel and other related expenses for attendance at meetings of the board.

(2) The Secretary of the Air Force may authorize military and civilian personnel of the Air Force under section 1033 of this title to serve, in their official capacities, as members of the board of directors of the corporation, but such personnel shall not hold more than one-third of the directorships.

(d) TRANSFERS FROM NONAPPROPRIATED FUND OPERATION.—The Secretary of the Air Force may, subject to the acceptance of the corporation, transfer to the corporation all title to and ownership of the assets and liabilities of the Air Force nonappropriated fund instrumentality whose functions include providing support for the athletic programs of the Academy, including

bank accounts and financial reserves in its accounts, equipment, supplies, and other personal property, but excluding any interest in real property.

(e) ACCEPTANCE OF GIFTS.—The Secretary of the Air Force may accept from the corporation funds, supplies, and services for the support of cadets and Academy personnel during their participation in Academy or corporate events related to the athletic programs of the Academy.

(f) LEASES.—The Secretary of the Air Force may, in accordance with section 2667 of this title, lease real and personal property to the corporation for purposes related to the athletic programs of the Academy. Funds received from any such lease may be retained and spent by the Secretary to support athletic programs of the Academy.

(g) COOPERATIVE AGREEMENTS.—The Secretary of the Air Force may enter into cooperative agreements (as described in section 6305 of title 31) with the corporation for purposes related to the athletic programs of the Academy.

(Added Pub. L. 111-84, div. A, title V, § 528(a), Oct. 28, 2009, 123 Stat. 2289.)

**REFERENCES IN TEXT**

Section 501(c)(3) of the Internal Revenue Code of 1986, referred to in subsec. (b)(1), is classified to section 501(c)(3) of Title 26, Internal Revenue Code.

**CHAPTER 905—AVIATION LEADERSHIP  
PROGRAM**

Sec.	
9381.	Establishment of program.
9382.	Supplies and clothing.
9383.	Allowances.

**§ 9381. Establishment of program**

Under regulations prescribed by the Secretary of Defense, the Secretary of the Air Force may establish and maintain an Aviation Leadership Program to provide undergraduate pilot training and necessary related training to personnel of the air forces of friendly, less-developed foreign nations. Training under this chapter shall include language training and programs to promote better awareness and understanding of the democratic institutions and social framework of the United States.

(Added Pub. L. 103-160, div. A, title XI, § 1178(b), Nov. 30, 1993, 107 Stat. 1769.)

**PRIOR PROVISIONS**

A prior section 9381, act Aug. 10, 1956, ch. 1041, 70A Stat. 568, defined "advanced training", prior to repeal by Pub. L. 88-647, title III, § 301(26), Oct. 13, 1964, 78 Stat. 1073. See section 2101 of this title.

**CONGRESSIONAL FINDINGS**

Section 1178(a) of Pub. L. 103-160 provided that: "The Congress finds the following:

"(1) The training in the United States of pilots from the air forces of friendly foreign nations furthers the interests of the United States, promotes closer relations with such nations, and advances the national security.

"(2) Many friendly foreign nations cannot afford to reimburse the United States for the cost of such training.

"(3) It is in the interest of the United States that the Secretary of the Air Force establish a program to

train in the United States pilots from the air forces of friendly, less developed foreign nations.”

### § 9382. Supplies and clothing

(a) The Secretary of the Air Force may, under such conditions as the Secretary may prescribe, provide to a person receiving training under this chapter—

- (1) transportation incident to the training;
- (2) supplies and equipment to be used during the training;
- (3) flight clothing and other special clothing required for the training; and
- (4) billeting, food, and health services.

(b) The Secretary of the Air Force may authorize such expenditures from the appropriations of the Air Force as the Secretary considers necessary for the efficient and effective maintenance of the Program in accordance with this chapter.

(Added Pub. L. 103-160, div. A, title XI, § 1178(b), Nov. 30, 1993, 107 Stat. 1769.)

#### PRIOR PROVISIONS

A prior section 9382, acts Aug. 10, 1956, ch. 1041, 70A Stat. 568; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(44), 72 Stat. 1567, related to establishment and composition of Air Force Reserve Officers' Training Corps, prior to repeal by Pub. L. 88-647, title III, § 301(26), Oct. 13, 1964, 78 Stat. 1073. See section 2102 of this title.

### § 9383. Allowances

The Secretary of the Air Force may pay to a person receiving training under this chapter a living allowance at a rate to be prescribed by the Secretary, taking into account the amount of living allowances authorized for a member of the armed forces under similar circumstances.

(Added Pub. L. 103-160, div. A, title XI, § 1178(b), Nov. 30, 1993, 107 Stat. 1769.)

#### PRIOR PROVISIONS

Prior sections 9383 to 9387, act Aug. 10, 1956, ch. 1041, 70A Stat. 569, 570, related to Air Force Officers' Training Corps and admission and training of medical, dental, pharmacy and veterinary students, set out courses of training, authorized operation and maintenance of training camps, provided for supplies and uniforms and for advanced training and compensation therefor, prior to repeal by Pub. L. 88-647, title III, § 301(26), Oct. 13, 1964, 78 Stat. 1073. See chapter 103 of this title.

Prior section 9384 was amended by act Sept. 2, 1958, Pub. L. 85-861, § 1(202), 72 Stat. 1541.

## CHAPTER 907—SCHOOLS AND CAMPS

Sec.	
9411.	Establishment: purpose.
9412.	Operation.
9413.	Transportation and subsistence during travel.
9414.	Quartermaster and ordnance property: sales.
9415.	Inter-American Air Forces Academy.
9417.	Air War College: acceptance of grants for faculty research for scientific, literary, and educational purposes.

#### AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, § 522(f)(2), Jan. 6, 2006, 119 Stat. 3244, added item 9417.

1990—Pub. L. 101-510, div. A, title III, § 330(b), Nov. 5, 1990, 104 Stat. 1535, added item 9415.

### § 9411. Establishment: purpose

The Secretary of the Air Force may maintain schools and camps for the military instruction

and training of persons selected, upon their application, from warrant officers and enlisted members of the Air Force and civilians, to qualify them for appointment as reserve officers, or enlistment as reserve noncommissioned officers, for service in the Air Force Reserve.

(Aug. 10, 1956, ch. 1041, 70A Stat. 571.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9411 .....	10:442 (words before 1st semicolon of 1st sentence).	June 3, 1916, ch. 134, § 47d (words before 1st semicolon of 1st sentence); added June 4, 1920, ch. 227, subch. I, § 34 (words before 1st semicolon of 1st sentence of last par.), 41 Stat. 779.

The words “upon military reservations or elsewhere” are omitted as surplusage. The words “of the Air Force” are inserted for clarity. The words “or enlistment as” are inserted for clarity.

### § 9412. Operation

In maintaining camps established under section 9411 of this title, the Secretary of the Air Force may—

- (1) prescribe the periods during which they will be operated;
- (2) prescribe regulations for their administration;
- (3) prescribe the courses to be taught;
- (4) detail members of the Regular Air Force to designated duties relating to the camps;
- (5) use necessary supplies and transportation;
- (6) furnish uniforms, subsistence, and medical attendance and supplies to persons attending the camp; and
- (7) authorize necessary expenditures from proper Air Force funds for—
  - (A) water;
  - (B) fuel;
  - (C) light;
  - (D) temporary structures, except barracks and officers' quarters;
  - (E) screening;
  - (F) damages resulting from field exercises;
  - (G) expenses incident to theoretical winter instruction of trainees; and
  - (H) other expenses incident to maintaining the camps.

(Aug. 10, 1956, ch. 1041, 70A Stat. 571.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9412 .....	10:442 (47 words after 1st semicolon, and 72 words before 3d semicolon, of 1st sentence; and last sentence).	June 3, 1916, ch. 134, § 47d (47 words after 1st semicolon, and 72 words before 3d semicolon, of 1st sentence; and last sentence); added June 4, 1920, ch. 227, subch. I, § 34 (47 words after 1st semicolon, and 72 words before 3d semicolon, of 1st sentence; and last sentence of last par.), 41 Stat. 779.

The word “supplies” is substituted for the words “such arms, ammunition, accoutrements, equipments, tentage, field equipage”, since, under the definition of



the word “supplies”, in section 101(26) of this title, those words are covered by the word “supplies”. The words “belonging to the United States”, “and imparting military instruction and training thereat”, “during the period of their attendance”, “theoretical and practical instruction”, “persons attending the camps authorized by this section”, and “as he may deem” are omitted as surplusage. The word “detail” is substituted for the word “employ”. The word “members” is substituted for the words “officers, warrant officers, and enlisted men”.

#### § 9413. Transportation and subsistence during travel

(a) There may be furnished to a person attending a school or camp established under section 9411 of this title, for travel to and from that school or camp—

- (1) transportation and subsistence;
- (2) transportation in kind and a subsistence allowance of one cent a mile; or
- (3) a travel allowance of five cents a mile.

(b) The travel allowance for the return trip may be paid in advance.

(c) For the purposes of this section, distance is computed by the shortest usually traveled route, within such territorial limits as the Secretary of the Air Force may prescribe, from the authorized starting point to the school or camp and return.

(Aug. 10, 1956, ch. 1041, 70A Stat. 572.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9413(a), (b), (c).	10:442 (words between 1st and 3d semicolons, less 47 words after 1st semicolon, and less 72 words before 3d semicolon, of 1st sentence).	June 3, 1916, ch. 134, § 47d (words between 1st and 3d semicolons, less 47 words after 1st semicolon, and less 72 words before 3d semicolon, of 1st sentence); added June 4, 1920, ch. 227, § 34 (words between 1st and 3d semicolons, less 47 words after 1st semicolon, and less 72 words before 3d semicolon, of 1st sentence of last par.), 41 Stat. 779; Mar. 9, 1928, ch. 161, 45 Stat. 251.

In subsection (a), the introductory clause is inserted for clarity. The words “at the option of the Secretary of the Army” are omitted as surplusage.

In subsection (b), the words “of the actual performance of the same” are omitted as surplusage.

Subsection (c) is substituted for the words “the most usual and direct route within such limits as to territory as the Secretary of the Army may prescribe \* \* \* for the distance by the shortest usually traveled route from the places from which they are authorized to proceed to the camp, and for the return travel thereto”.

#### § 9414. Quartermaster and ordnance property: sales

The Secretary of the Air Force may sell to a person attending a school or camp established under section 9411 of this title quartermaster and ordnance property necessary for his proper equipment. Sales under this section shall be for cash.

(Aug. 10, 1956, ch. 1041, 70A Stat. 572.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9414 .....	10:442 (words after 3d semicolon of 1st sentence; and 2d sentence).	June 3, 1916, ch. 134, § 47d (words after 3d semicolon of 1st sentence; and 2d sentence); added June 4, 1920, ch. 227, § 34 (words after 3d semicolon of 1st sentence; and 2d sentence of last par.), 41 Stat. 779.

10:442 (2d sentence) is omitted as superseded by section 10 of the Act of June 26, 1934, ch. 756, 48 Stat. 1229 (31 U.S.C. 725i), which limits credits to the replacing account to the actual cost of the items sold. The words “quartermaster and ordnance property necessary for his proper equipment” are substituted for 10:442 (last 26 words of 1st sentence). The words “and at cost price, plus 10 per centum” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

#### § 9415. Inter-American Air Forces Academy

(a) OPERATION.—The Secretary of the Air Force may operate the Air Force education and training facility known as the Inter-American Air Forces Academy for the purpose of providing military education and training to military personnel of Central and South American countries, Caribbean countries, and other countries eligible for assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.).

(b) COSTS.—The fixed costs of operating and maintaining the Inter-American Air Forces Academy may be paid from funds available for operation and maintenance of the Air Force.

(Added Pub. L. 101-510, div. A, title III, § 330(a), Nov. 5, 1990, 104 Stat. 1535.)

#### REFERENCES IN TEXT

The Foreign Assistance Act of 1961, referred to in subsec. (a), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 5 of part II of such Act is classified generally to part V of subchapter II (§ 2347 et seq.) of chapter 32 of Title 22, Foreign Relations and Intercourse. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of Title 22 and Tables.

#### § 9417.<sup>1</sup> Air War College: acceptance of grants for faculty research for scientific, literary, and educational purposes

(a) ACCEPTANCE OF RESEARCH GRANTS.—The Secretary of the Air Force may authorize the Commandant of the Air War College to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of the College for a scientific, literary, or educational purpose.

(b) QUALIFYING GRANTS.—A qualifying research grant under this section is a grant that is awarded on a competitive basis by an entity referred to in subsection (c) for a research project with a scientific, literary, or educational purpose.

<sup>1</sup> So in original. No section 9416 has been enacted.

(c) ENTITIES FROM WHICH GRANTS MAY BE ACCEPTED.—A grant may be accepted under this section only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(d) ADMINISTRATION OF GRANT FUNDS.—The Secretary shall establish an account for administering funds received as research grants under this section. The Commandant shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(e) RELATED EXPENSES.—Subject to such limitations as may be provided in appropriations Acts, appropriations available for the Air War College may be used to pay expenses incurred by the College in applying for, and otherwise pursuing, the award of qualifying research grants.

(f) REGULATIONS.—The Secretary shall prescribe regulations for the administration of this section.

(Added Pub. L. 109-163, div. A, title V, §522(f)(1), Jan. 6, 2006, 119 Stat. 3243.)

## CHAPTER 909—CIVIL AIR PATROL

Sec.

- 9441. Status as federally chartered corporation; purposes.
- 9442. Status as volunteer civilian auxiliary of the Air Force.
- 9443. Activities performed as federally chartered nonprofit corporation.
- 9444. Activities performed as auxiliary of the Air Force.
- 9445. Funds appropriated for the Civil Air Patrol.
- 9446. Miscellaneous personnel authorities.
- 9447. Board of Governors.
- 9448. Regulations.

### AMENDMENTS

2000—Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-294, amended chapter heading and analysis generally, substituting items 9441 to 9448 for former items 9441 “Status: support by Air Force; employment” and 9442 “Assistance by other agencies”.

### § 9441. Status as federally chartered corporation; purposes

(a) STATUS.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.

(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.

(b) PURPOSES.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-295.)

### PRIOR PROVISIONS

A prior section 9441, acts Aug. 10, 1956, ch. 1041, 70A Stat. 572; Pub. L. 96-342, title X, §1007(a), (b)(1), Sept. 8, 1980, 94 Stat. 1121, 1122; Pub. L. 96-513, title V, §514(12), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 98-525, title XV, §1533(a), Oct. 19, 1984, 98 Stat. 2632; Pub. L. 99-145, title XIII, §1303(a)(28), title XIV, §1458(a), Nov. 8, 1985, 99 Stat. 740, 763; Pub. L. 99-661, div. A, title XIII, §1365(a), Nov. 14, 1986, 100 Stat. 4002; Pub. L. 103-337, div. A, title X, §1062, Oct. 5, 1994, 108 Stat. 2847; Pub. L. 105-225,

§4(a)(3), Aug. 12, 1998, 112 Stat. 1499, related to Civil Air Patrol status, support by Air Force, and employment, prior to the general amendment of this chapter by Pub. L. 106-398.

### EFFECTIVE DATE

Pub. L. 106-398, §1 [[div. A], title X, §1090(c)], Oct. 30, 2000, 114 Stat. 1654, 1654A-300, provided that: “The amendments made by this section [enacting this section and sections 9442 to 9448 of this title and amending sections 40302 and 40303 of Title 36, Patriotic and National Observances, Ceremonies, and Organizations] shall take effect 120 days after the date of the enactment of this Act [Oct. 30, 2000].”

### § 9442. Status as volunteer civilian auxiliary of the Air Force

(a) VOLUNTEER CIVILIAN AUXILIARY.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.

(b) USE BY AIR FORCE.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.

(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-295.)

### PRIOR PROVISIONS

A prior section 9442, added Pub. L. 98-525, title XV, §1533(b)(1), Oct. 19, 1984, 98 Stat. 2632, related to assistance of Civil Air Patrol by other agencies, prior to the general amendment of this chapter by Pub. L. 106-398.

### § 9443. Activities performed as federally chartered nonprofit corporation

(a) USE OF FEDERALLY PROVIDED RESOURCES.—In its status as a federally chartered nonprofit corporation, the Civil Air Patrol may use equipment, supplies, and other resources, including aircraft, motor vehicles, computers, and communications equipment, provided to the Civil Air Patrol by a department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds (or with funds of the Civil Air Patrol, but reimbursed from appropriated funds)—

(1) to provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and non-emergency missions and activities; and

(2) to fulfill its other purposes set forth in section 40302 of title 36.

(b) USE SUBJECT TO APPLICABLE LAWS.—The use of equipment, supplies, or other resources under subsection (a) is subject to the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.

(c) AUTHORITY NOT CONTINGENT ON REIMBURSEMENT.—The authority for the Civil Air Patrol to

provide assistance under subsection (a)(1) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol elects to require reimbursement for the provision of assistance under such subsection, the Civil Air Patrol may establish the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.

(d) **LIABILITY INSURANCE.**—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance to cover missions and activities carried out under this section.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-295.)

**§ 9444. Activities performed as auxiliary of the Air Force**

(a) **AIR FORCE SUPPORT FOR ACTIVITIES.**—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.

(b) **FORMS OF AIR FORCE SUPPORT.**—The Secretary of the Air Force may, under subsection (a)—

(1) give, lend, or sell to the Civil Air Patrol without regard to subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41—

(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and

(B) necessary related supplies and training aids that are excess to the military departments;

(2) permit the use, with or without charge, of services and facilities of the Air Force;

(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;

(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;

(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;

(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;

(7) authorize the payment of travel expenses and allowances, at rates not to exceed those paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;

(8) provide funds for the national headquarters of the Civil Air Patrol, including—

(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other operational expenses of the national headquarters; and

(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

(11) support the Civil Air Patrol cadet program by furnishing—

(A) articles of the Air Force uniform to cadets without cost; and

(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

(c) **ASSISTANCE BY OTHER AGENCIES.**—(1) The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-296; amended Pub. L. 107-217, §3(b)(35), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 111-350, §5(b)(54), Jan. 4, 2011, 124 Stat. 3847.)

**AMENDMENTS**

2011—Subsec. (b)(1). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)” in introductory provisions.

2002—Subsec. (b)(1). Pub. L. 107-217, in introductory provisions, inserted “subtitle I of title 40 and title III of” before “the Federal Property and Administrative Services Act of 1949” and substituted “(41 U.S.C. 251 et seq.)” for “(40 U.S.C. 471 et seq.)”.

#### § 9445. Funds appropriated for the Civil Air Patrol

Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-297.)

#### § 9446. Miscellaneous personnel authorities

(a) USE OF RETIRED AIR FORCE PERSONNEL.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and approved in accordance with regulations prescribed under section 9448 of this title.

(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force.

(3) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

(b) USE OF CIVIL AIR PATROL CHAPLAINS.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active duty and reserve component forces to the extent and under conditions that the Secretary determines appropriate.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-297.)

#### § 9447. Board of Governors

(a) GOVERNING BODY.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

(b) COMPOSITION.—The Board of Governors is composed of 11 members as follows:

(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

(2) Four members of the Civil Air Patrol, selected in accordance with the constitution and bylaws of the Civil Air Patrol.

(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

(c) APPOINTMENTS FROM INTERESTED ORGANIZATIONS.—(1) Subject to paragraph (2), the members of the Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

(d) CHAIRMAN.—The Chairman of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board referred to in paragraphs (1) and (2) of subsection (b) and shall serve for a term of two years. The position of Chairman shall be held on a rotating basis between members of the Board appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and members of the Board selected under paragraph (2) of that subsection.

(e) POWERS.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted to the Civil Air Patrol under section 40304 of title 36.

(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

(f) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Subject to paragraph (2), the Board of Governors may take such action as is necessary to limit the personal liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

(2) The Board may not limit the liability of a member of the Board of Governors to the Civil Air Patrol, or to any of its members, for monetary damages for any of the following:

(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

(g) PERSONAL LIABILITY FOR BREACH OF A FIDUCIARY DUTY.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-298.)

#### § 9448. Regulations

(a) **AUTHORITY.**—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

(b) **REQUIRED REGULATIONS.**—The regulations shall include the following:

(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

(c) **APPROVAL BY SECRETARY OF DEFENSE.**—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.

(Added Pub. L. 106-398, §1 [[div. A], title X, §1090(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-299.)

### PART IV—SERVICE, SUPPLY, AND PROCUREMENT

Chap.		Sec.
931.	Civil Reserve Air Fleet .....	9511
933.	Procurement .....	9531
935.	Issue of Serviceable Material to Armed Forces .....	9561
937.	Utilities and Services .....	9591
939.	Sale of Serviceable Material .....	9621
941.	Issue of Serviceable Material other than to Armed Forces .....	9651
943.	Disposal of Obsolete or Surplus Material .....	9681
945.	Disposition of Effects of Deceased Persons .....	9712
947.	Transportation .....	9741
949.	Real Property .....	9771
951.	Military Claims .....	9801
953.	Accountability and Responsibility .....	9831

#### AMENDMENTS

1999—Pub. L. 106-65, div. A, title VII, §721(c)(8), Oct. 5, 1999, 113 Stat. 695, substituted “Disposition” for “Inquests; Disposition” and “9712” for “9711” in item for chapter 945.

1993—Pub. L. 103-160, div. A, title VIII, §828(c)(8)(B), Nov. 30, 1993, 107 Stat. 1715, substituted “Civil Reserve Air Fleet” for “Industrial Mobilization, Research, and Development” and “9511” for “9501” in item for chapter 931.

#### CHAPTER 931—CIVIL RESERVE AIR FLEET

Sec.	
9511.	Definitions.
9512.	Contracts for the inclusion or incorporation of defense features.
9513.	Use of military installations by Civil Reserve Air Fleet contractors.
9514.	Indemnification of Department of Transportation for losses covered by defense-related aviation insurance.

Sec.  
9515.

Charter air transportation services; minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet.

#### PRIOR PROVISIONS

Chapter was comprised of subchapter I, sections 9501 to 9507, and subchapter II, sections 9511 to 9513, prior to amendment by Pub. L. 103-160, div. A, title VIII, §828(a)(8)(A)(ii), Nov. 30, 1993, 107 Stat. 1714, which struck out headings for subchapters I and II.

Prior section 9501, act Aug. 10, 1956, ch. 1041, 70A Stat. 573, related to mobilization by the President in time of war, prior to repeal by Pub. L. 103-160, div. A, title VIII, §822(a)(2), Nov. 30, 1993, 107 Stat. 1705. See section 2538 of this title.

Prior section 9502, act Aug. 10, 1956, ch. 1041, 70A Stat. 574, related to maintenance by Secretary of the Air Force of lists of plants equipped to manufacture arms or ammunition and lists of plants convertible into ammunition factories, and provided for a Board on Mobilization of Industries Essential for Military Preparedness, prior to repeal by Pub. L. 103-160, div. A, title VIII, §822(a)(2), Nov. 30, 1993, 107 Stat. 1705. See sections 2539 and 2539a of this title.

Prior section 9503, act Aug. 10, 1956, ch. 1041, 70A Stat. 574, related to research and development programs of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, §827(c), Nov. 30, 1993, 107 Stat. 1713.

Prior section 9504, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to procurement of ordnance, signal, and chemical warfare supplies for experimental purposes by the Secretary of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, §822(c)(2), Nov. 30, 1993, 107 Stat. 1707. See section 2373 of this title.

Prior section 9505, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to procurement of production equipment by Secretary of the Air Force, prior to repeal by Pub. L. 103-160, div. A, title VIII, §823(1), Nov. 30, 1993, 107 Stat. 1707.

Prior section 9506, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to sale, loan, or gift of samples, drawings, and information to contractors, prior to repeal by Pub. L. 103-160, div. A, title VIII, §822(b)(3), Nov. 30, 1993, 107 Stat. 1706.

Prior section 9507, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, related to sale of ordnance and ordnance stores to designers, prior to repeal by Pub. L. 103-160, div. A, title VIII, §822(b)(3), Nov. 30, 1993, 107 Stat. 1706.

#### AMENDMENTS

2009—Pub. L. 111-84, div. A, title X, §1073(a)(32), Oct. 28, 2009, 123 Stat. 2474, transferred item 9515 from chapter 941 of this title to this chapter.

1996—Pub. L. 104-201, div. A, title X, §1079(a)(2), Sept. 23, 1996, 110 Stat. 2669, added item 9514.

1994—Pub. L. 103-355, title III, §3033(b), Oct. 13, 1994, 108 Stat. 3336, substituted “Use of military installations by Civil Reserve Air Fleet contractors” for “Commitment of aircraft to the Civil Reserve Air Fleet” in item 9513.

1993—Pub. L. 103-160, div. A, title VIII, §828(c)(8)(A), Nov. 30, 1993, 107 Stat. 1714, substituted “CIVIL RESERVE AIR FLEET” for “INDUSTRIAL MOBILIZATION, RESEARCH, AND DEVELOPMENT” in chapter heading, struck out subchapter analysis consisting of items for subchapter I “General” and subchapter II “Civil Reserve Air Fleet”, struck out subchapter I heading “GENERAL”, struck out items 9501 “Industrial mobilization: orders; priorities; possession of manufacturing plants; violations”, 9502 “Industrial mobilization: plants; lists; Board on Mobilization of Industries Essential for Military Preparedness”, 9503 “Research and development programs”, 9504 “Procurement for experimental purposes”, 9505 “Procurement of production equipment”, 9506 “Sale, loan, or gift of samples, drawings, and information to contractors”, and 9507 “Sale of ordnance and ordnance stores to designers”, and struck out heading for subchapter II “CIVIL RESERVE AIR FLEET”.

1989—Pub. L. 101-189, div. A, title XVI, §1636(c)(2), Nov. 29, 1989, 103 Stat. 1610, substituted “Contracts for the inclusion or incorporation of defense features” for “Contracts to modify aircraft: cargo-convertible features” in item 9512 and “Commitment” for “Contracts to modify aircraft: commitment” in item 9513.

1981—Pub. L. 97-86, title IX, §915, Dec. 1, 1981, 95 Stat. 1125, added analysis of subchapters, subchapter headings “SUBCHAPTER I—GENERAL” and “SUBCHAPTER II—CIVIL RESERVE AIR FLEET”, and the analysis of sections for subchapter II consisting of items 9511, 9512, and 9513.

#### § 9511. Definitions

In this chapter:

(1) The terms “aircraft”, “citizen of the United States”, “civil aircraft”, “person”, and “public aircraft” have the meanings given those terms by section 40102(a) of title 49.

(2) The term “passenger-cargo combined aircraft” means a civil aircraft equipped so that its main deck can be used to carry both passengers and property (including mail) simultaneously.

(3) The term “cargo-capable aircraft” means a civil aircraft equipped so that all or substantially all of the aircraft’s capacity can be used for the carriage of property or mail.

(4) The term “passenger aircraft” means a civil aircraft equipped so that its main deck can be used for the carriage of individuals and cannot be used principally, without major modification, for the carriage of property or mail.

(5) The term “cargo-convertible aircraft” means a passenger aircraft equipped or designed so that all or substantially all of the main deck of the aircraft can be readily converted for the carriage of property or mail.

(6) The term “Civil Reserve Air Fleet” means those aircraft allocated, or identified for allocation, to the Department of Defense under section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), or made available (or agreed to be made available) for use by the Department of Defense under a contract made under this title, as part of the program developed by the Department of Defense through which the Department of Defense augments its airlift capability by use of civil aircraft.

(7) The term “contractor” means a citizen of the United States (A) who owns or controls, or who will own or control, a new or existing aircraft and who contracts with the Secretary under section 9512 of this title to modify that aircraft by including or incorporating specified defense features in that aircraft and to commit that aircraft to the Civil Reserve Air Fleet, (B) who subsequently obtains ownership or control of a civil aircraft covered by such a contract and assumes all existing obligations under that contract, or (C) who owns or controls, or will own or control, new or existing aircraft and who, by contract, commits some or all of such aircraft to the Civil Reserve Air Fleet.

(8) The term “existing aircraft” means a civil aircraft other than a new aircraft.

(9) The term “new aircraft” means a civil aircraft that a manufacturer has not begun to assemble before the aircraft is covered by a contract under section 9512 of this title.

(10) The term “Secretary” means the Secretary of the Air Force.

(11) The term “defense feature” means equipment or design features included or incorporated in a civil aircraft which ensures the compatibility of such aircraft with the Department of Defense airlift system. Such term includes any equipment or design feature which enables such aircraft to be readily modified for use as an aeromedical aircraft or a cargo-convertible, cargo-capable, or passenger-cargo combined aircraft.

(Added Pub. L. 97-86, title IX, §915(2), Dec. 1, 1981, 95 Stat. 1125; amended Pub. L. 100-180, div. A, title XII, §1231(17), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 100-456, div. A, title XII, §1233(k)(2), Sept. 29, 1988, 102 Stat. 2058; Pub. L. 101-189, div. A, title XVI, §1636(a), Nov. 29, 1989, 103 Stat. 1609; Pub. L. 103-272, §5(b)(2), July 5, 1994, 108 Stat. 1373; Pub. L. 103-355, title III, §3031, Oct. 13, 1994, 108 Stat. 3334.)

#### AMENDMENTS

1994—Pub. L. 103-355, §3031(c), substituted “In this chapter:” for “In this subchapter:” in introductory provisions.

Par. (1). Pub. L. 103-355, §3031(b)(1)(C), which directed substitution of “section 40102 of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”, could not be executed because of the intervening amendment by Pub. L. 103-272 which substituted “section 40102(a) of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”, see below.

Pub. L. 103-355, §3031(b)(1)(A), (B), inserted “‘civil aircraft,’” before “‘person,’” and substituted “‘meanings’” for “‘meaning’”.

Pub. L. 103-272 substituted “section 40102(a) of title 49” for “section 101 of the Federal Aviation Act of 1958 (49 U.S.C. 1301)”.

Par. (6). Pub. L. 103-355, §3031(b)(2), (3), redesignated par. (7) as (6) and struck out former par. (6) which read as follows: “The term ‘civil aircraft’ means an aircraft other than a public aircraft.”

Par. (7). Pub. L. 103-355, §3031(b)(3), redesignated par. (8) as (7). Former par. (7) redesignated (6).

Par. (8). Pub. L. 103-355, §3031(b)(3), redesignated par. (9) as (8). Former par. (8) redesignated (7).

Pub. L. 103-355, §3031(a)(1), inserted “under section 9512 of this title” after “and who contracts with the Secretary” in subpar. (A) and added subpar. (C).

Pars. (9), (10). Pub. L. 103-355, §3031(b)(3), redesignated pars. (10) and (11) as (9) and (10), respectively. Former par. (9) redesignated (8).

Par. (11). Pub. L. 103-355, §3031(b)(3), (4), redesignated par. (12) as (11), substituted “compatibility” for “interoperability”, and inserted “an aeromedical aircraft or” before “a cargo-convertible”. Former par. (11) redesignated (10).

Par. (12). Pub. L. 103-355, §3031(b)(3), redesignated par. (12) as (11).

1989—Par. (2). Pub. L. 101-189, §1636(a)(1), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The term ‘cargo air service’ means the carriage of property or mail on the main deck of a civil aircraft.”

Par. (5). Pub. L. 101-189, §1636(a)(2), amended par. (5) generally. Prior to amendment, par. (5) read as follows: “The term ‘cargo-convertible feature’ means equipment or design features included or incorporated in a passenger aircraft that can readily enable all or substantially all of that aircraft’s main deck to be used for the carriage of property or mail.”

Par. (8)(A). Pub. L. 101-189, §1636(a)(3), substituted “a new or existing aircraft and who contracts with the Secretary to modify that aircraft by including or incorporating specified defense features” for “a civil aircraft

and who contracts with the Secretary of the Air Force to modify that aircraft by including or incorporating cargo-convertible features suitable for defense purposes”.

Par. (12). Pub. L. 101-189, §1636(a)(4), added par. (12).

1988—Par. (1). Pub. L. 100-456 substituted “The terms” for “The term”.

1987—Pars. (1) to (11). Pub. L. 100-180 inserted “The term” after each par. designation, and revised first word in quotes in pars. (1) to (6) and (8) to (10) to make initial letter of each word lowercase.

#### EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of this title.

### § 9512. Contracts for the inclusion or incorporation of defense features

(a) **AUTHORITY TO CONTRACT.**—Subject to the provisions of chapter 137 of this title, and to the extent that funds are otherwise available for obligation, the Secretary—

(1) may contract with any citizen of the United States for the inclusion or incorporation of defense features in any new or existing aircraft to be owned or controlled by that citizen; and

(2) may contract with United States aircraft manufacturers for the inclusion or incorporation of defense features in new aircraft to be operated by a United States air carrier.

(b) **COMMITMENT TO CIVIL RESERVE AIR FLEET.**—Each contract entered into under this section shall provide—

(1) that any aircraft covered by the contract shall be committed to the Civil Reserve Air Fleet;

(2) that, so long as the aircraft is owned or controlled by a contractor, the contractor shall operate the aircraft for the Department of Defense as needed during any activation of the Civil Reserve Air Fleet, notwithstanding any other contract or commitment of that contractor; and

(3) that the contractor operating the aircraft for the Department of Defense shall be paid for that operation at fair and reasonable rates.

(c) **TERMS AND REQUIRED REPAYMENT.**—Each contract entered into under subsection (a) shall include a provision that requires the contractor to repay to the United States a percentage (to be established in the contract) of any amount paid by the United States to the contractor under the contract with respect to any aircraft if—

(1) the aircraft is destroyed or becomes unusable, as defined in the contract;

(2) the defense features specified in the contract are rendered unusable or are removed from the aircraft;

(3) control over the aircraft is transferred to any person that is unable or unwilling to assume the contractor's obligations under the contract; or

(4) the registration of the aircraft under section 44103 of title 49 is terminated for any reason not beyond the control of the contractor.

(d) **AUTHORITY TO CONTRACT AND PAY DIRECTLY.**—(1) A contract under subsection (a) for the inclusion or incorporation of defense fea-

tures in an aircraft may include a provision authorizing the Secretary—

(A) to contract, with the concurrence of the contractor, directly with another person for the performance of the work necessary for the inclusion or incorporation of defense features in such aircraft; and

(B) to pay such other person directly for such work.

(2) A contract entered into pursuant to paragraph (1) may include such specifications for work and equipment as the Secretary considers necessary to meet the needs of the United States.

(e) **EXCLUSIVITY OF COMMITMENT TO CIVIL RESERVE AIR FLEET.**—Notwithstanding section 101 of the Defense Production Act of 1950 (50 U.S.C. App. 2071), each aircraft covered by a contract entered into under this section shall be committed exclusively to the Civil Reserve Air Fleet for use by the Department of Defense as needed during any activation of the Civil Reserve Air Fleet unless the aircraft is released from that use by the Secretary of Defense.

(Added Pub. L. 97-86, title IX, §915(2), Dec. 1, 1981, 95 Stat. 1126; amended Pub. L. 98-525, title XIV, §1405(57), Oct. 19, 1984, 98 Stat. 2626; Pub. L. 101-189, div. A, title XVI, §1636(b), Nov. 29, 1989, 103 Stat. 1609; Pub. L. 103-272, §5(b)(3), July 5, 1994, 108 Stat. 1373; Pub. L. 103-355, title III, §3032(1)–(8), Oct. 13, 1994, 108 Stat. 3334, 3335; Pub. L. 104-106, div. A, title X, §1087, Feb. 10, 1996, 110 Stat. 458.)

#### CODIFICATION

The text of subsecs. (a) and (b) of section 9513 of this title, which were redesignated as subsecs. (b) and (e) of this section by Pub. L. 103-355, §3032(4), (5), was based on Pub. L. 97-86, title IX, §915(2), Dec. 1, 1981, 95 Stat. 1128; amended Pub. L. 101-189, div. A, title XVI, §1636(c)(1), Nov. 29, 1989, 103 Stat. 1610.

#### AMENDMENTS

1996—Subsecs. (b)(2), (e). Pub. L. 104-106 struck out “full” before “Civil Reserve Air Fleet”.

1994—Subsec. (a). Pub. L. 103-355, §3032(1), inserted heading.

Subsec. (b). Pub. L. 103-355, §3032(6), inserted heading and substituted “entered into under this section” for “under section 9512 of this title” in introductory provisions.

Pub. L. 103-355, §3032(4), redesignated subsec. (a) of section 9513 of this title as subsec. (b) of this section. Former subsec. (b) redesignated (c). See Codification note above.

Subsec. (b)(4). Pub. L. 103-272 substituted “section 44103 of title 49” for “section 501 of the Federal Aviation Act of 1958 (49 U.S.C. App. 1401)”.

Subsec. (c). Pub. L. 103-355, §3032(7), struck out “the terms required by section 9513 of this title and” before “a provision that requires the contractor” in introductory provisions.

Pub. L. 103-355, §3032(3), redesignated subsec. (b) as (c) and inserted heading. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 103-355, §3032(2), redesignated subsec. (c) as (d) and inserted heading.

Subsec. (e). Pub. L. 103-355, §3032(8), inserted heading and substituted “entered into under this section” for “under section 9512 of this title”.

Pub. L. 103-355, §3032(5), redesignated subsec. (b) of section 9513 of this title as subsec. (e) of this section. See Codification note above.

1989—Pub. L. 101-189 substituted “Contracts for the inclusion or incorporation of defense features” for

“Contracts to modify aircraft: cargo-convertible features” as section catchline and amended text generally, substituting subsecs. (a) to (c) for former subsecs. (a) to (e).

1984—Subsec. (b)(1). Pub. L. 98-525 substituted “App. 1401” for “1401”.

#### EFFECTIVE DATE OF 1994 AMENDMENT

For effective date and applicability of amendment by Pub. L. 103-355, see section 10001 of Pub. L. 103-355, set out as a note under section 2302 of this title.

### § 9513. Use of military installations by Civil Reserve Air Fleet contractors

(a) CONTRACT AUTHORITY.—(1) The Secretary of the Air Force—

(A) may, by contract entered into with any contractor, authorize such contractor to use one or more Air Force installations designated by the Secretary; and

(B) with the consent of the Secretary of another military department, may, by contract entered into with any contractor, authorize the contractor to use one or more installations, designated by the Secretary of the Air Force, that is under the jurisdiction of the Secretary of such other military department.

(2) The Secretary of the Air Force may include in the contract such terms and conditions as the Secretary determines appropriate to promote the national defense or to protect the interests of the United States.

(b) PURPOSES OF USE.—A contract entered into under subsection (a) may authorize use of a designated installation as a weather alternate, as a technical stop not involving the enplaning or deplaning of passengers or cargo, or, in the case of an installation within the United States, for other commercial purposes. Notwithstanding any other provision of the law, the Secretary may establish different levels and types of uses for different installations for commercial operations not required by the Department of Defense and may provide in contracts under subsection (a) for different levels and types of uses by different contractors.

(c) DISPOSITION OF PAYMENTS FOR USE.—Notwithstanding any other provision of law, amounts collected from the contractor for landing fees, services, supplies, or other charges authorized to be collected under the contract shall be credited to the appropriations of the armed forces having jurisdiction over the military installation to which the contract pertains. Amounts so credited to an appropriation shall be available for obligation for the same period as the appropriation to which credited.

(d) HOLD HARMLESS REQUIREMENT.—A contract entered into under subsection (a) shall provide that the contractor agrees to indemnify and hold harmless the United States from any action, suit, or claim of any sort resulting from, relating to, or arising out of any activities conducted, or services or supplies furnished, in connection with the contract.

(e) RESERVATION OF RIGHT TO EXCLUDE CONTRACTOR.—A contract entered into under subsection (a) shall provide that the Secretary concerned may, without providing prior notice, deny access to an installation designated under the contract when the Secretary determines

that it is necessary to do so in order to meet military exigencies.

(Added Pub. L. 103-355, title III, § 3033(a), Oct. 13, 1994, 108 Stat. 3335.)

#### PRIOR PROVISIONS

A prior section 9513, added Pub. L. 97-86, title IX, § 915(2), Dec. 1, 1981, 95 Stat. 1128; amended Pub. L. 101-189, div. A, title XVI, § 1636(c)(1), Nov. 29, 1989, 103 Stat. 1610, directed that each contract under section 9512 of this title be committed to Civil Reserve Air Fleet, prior to amendment by Pub. L. 103-355, § 3032(4), (5), (9), which struck out section catchline and redesignated subsecs. (a) and (b) as subsecs. (b) and (e) of section 9512, respectively.

#### EFFECTIVE DATE

For effective date and applicability, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 2302 of this title.

### § 9514. Indemnification of Department of Transportation for losses covered by defense-related aviation insurance

(a) PROMPT INDEMNIFICATION REQUIRED.—(1) In the event of a loss that is covered by defense-related aviation insurance, the Secretary of Defense shall promptly indemnify the Secretary of Transportation for the amount of the loss consistent with the indemnification agreement between the two Secretaries that underlies such insurance. The Secretary of Defense shall make such indemnification—

(A) in the case of a claim for the loss of an aircraft hull, not later than 30 days after the date on which the Secretary of Transportation determines the claim to be payable or that amounts are due under the policy that provided the defense-related aviation insurance; and

(B) in the case of any other claim, not later than 180 days after the date on which the Secretary of Transportation determines the claim to be payable.

(2) When there is a loss of an aircraft hull that is (or may be) covered by defense-related aviation insurance, the Secretary of Transportation may make, during the period when a claim for such loss is pending with the Secretary of Transportation, any required periodic payments owed by the insured party to a lessor or mortgagee of such aircraft. Such payments shall commence not later than 30 days following the date of the presentment of the claim for the loss of the aircraft hull to the Secretary of Transportation. If the Secretary of Transportation determines that the claim is payable, any amount paid under this paragraph arising from such claim shall be credited against the amount payable under the aviation insurance. If the Secretary of Transportation determines that the claim is not payable, any amount paid under this paragraph arising from such claim shall constitute a debt to the United States, payable to the insurance fund. Any such amounts so returned to the United States shall be promptly credited to the fund or account from which the payments were made under this paragraph.

(b) SOURCE OF FUNDS FOR PAYMENT OF INDEMNITY.—The Secretary of Defense may pay an indemnity described in subsection (a) from any



funds available to the Department of Defense for operation and maintenance, and such sums as may be necessary for payment of such indemnity are hereby authorized to be transferred to the Secretary of Transportation for such purpose.

(c) NOTICE TO CONGRESS.—In the event of a loss that is covered by defense-related aviation insurance in the case of an incident in which the covered loss is (or is expected to be) in an amount in excess of \$1,000,000, the Secretary of Defense shall submit to Congress notification of the loss as soon after the occurrence of the loss as possible and in no event more than 30 days after the date of the loss.

(d) IMPLEMENTING MATTERS.—(1) Payment of indemnification under this section is not subject to section 2214 or 2215 of this title or any other provision of law requiring notification to Congress before funds may be transferred.

(2) Consolidation of claims arising from the same incident is not required before indemnification of the Secretary of Transportation for payment of a claim may be made under this section.

(e) CONSTRUCTION WITH OTHER TRANSFER AUTHORITY.—Authority to transfer funds under this section is in addition to any other authority provided by law to transfer funds (whether enacted before, on, or after the date of the enactment of this section) and is not subject to any dollar limitation or notification requirement contained in any other such authority to transfer funds.

[(f) Repealed. Pub. L. 108-136, div. A, title X, §1031(a)(60)(B), Nov. 24, 2003, 117 Stat. 1603.]

(g) DEFINITIONS.—In this section:

(1) DEFENSE-RELATED AVIATION INSURANCE.—The term “defense-related aviation insurance” means aviation insurance and reinsurance provided through policies issued by the Secretary of Transportation under chapter 443 of title 49 that pursuant to section 44305(b) of that title is provided by that Secretary without premium at the request of the Secretary of Defense and is covered by an indemnity agreement between the Secretary of Transportation and the Secretary of Defense.

(2) LOSS.—The term “loss” includes damage to or destruction of property, personal injury or death, and other liabilities and expenses covered by the defense-related aviation insurance.

(Added Pub. L. 104-201, div. A, title X, §1079(a)(1), Sept. 23, 1996, 110 Stat. 2667; amended Pub. L. 108-136, div. A, title X, §1031(a)(60), Nov. 24, 2003, 117 Stat. 1603.)

#### REFERENCES IN TEXT

The date of the enactment of this section, referred to in subsec. (e), is the date of enactment of Pub. L. 104-201, which was approved Sept. 23, 1996.

#### AMENDMENTS

2003—Subsec. (c). Pub. L. 108-136, §1031(a)(60)(A), struck out designation for par. (1) before “notification of the loss”, substituted “Congress” for “Congress—” and “loss.” for “loss; and”, and struck out par. (2) which read as follows: “semiannual reports thereafter updating the information submitted under paragraph (1) and showing with respect to losses arising from such incident the total amount expended to cover such

losses, the source of those funds, pending litigation, and estimated total cost to the Government.”

Subsec. (f). Pub. L. 108-136, §1031(a)(60)(B), struck out heading and text of subsec. (f). Text read as follows: “Not later than March 1 of each year, the Secretary of Defense shall submit to Congress a report setting forth the current amount of the contingent outstanding liability of the United States under the insurance program under chapter 443 of title 49.”

#### § 9515. Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet

(a) IN GENERAL.—The Secretary of Defense shall take steps to—

(1) improve the predictability in Department of Defense charter requirements;

(2) strengthen Civil Reserve Airlift Fleet participation to assure adequate capacity is available to meet steady-state, surge and mobilization requirements; and

(3) provide incentives for commercial air passenger carriers to provide newer, more efficient and reliable aircraft for Department of Defense service rather than older, fully depreciated aircraft.

(b) CONSIDERATION OF RECOMMENDATIONS.—In carrying out subsection (a), the Secretary of Defense shall consider the recommendations on courses of action for the Civil Reserve Air Fleet as outlined in the report required by section 1356 of the National Defense Authorization Act for Fiscal Year 2008<sup>1</sup> (Public Law 110-181).

(c) CONTRACTS FOR CHARTER AIR TRANSPORTATION SERVICES.—The Secretary of Defense may award to an air carrier or an air carrier contractor team arrangement participating in the Civil Reserve Air Fleet on a fiscal year basis a one-year contract for charter air transportation services with a minimum purchase amount under such contract determined in accordance with this section.

(d) ELIGIBLE CHARTER AIR TRANSPORTATION CARRIERS.—In order to be eligible for payments under the minimum purchase amount provided by this section, an air carrier (or any air carrier participating in an air carrier contractor team arrangement)—

(1) if under contract with the Department of Defense in the prior fiscal year, shall have an average on-time pick up rate, based on factors within such air carrier’s control, of at least 90 percent;

(2) shall offer such amount of commitment to the Civil Reserve Air Fleet in excess of the minimum required for participation in the Civil Reserve Air Fleet as the Secretary of Defense shall specify for purposes of this section; and

(3) may not have refused a Department of Defense request to act as a host for other Civil Reserve Air Fleet carriers at intermediate staging bases during the prior fiscal year.

(e) AGGREGATE MINIMUM PURCHASE AMOUNT.—

(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (c) for a fiscal year shall be based on forecast needs, but may not exceed the amount equal to 80 percent of the average annual ex-

<sup>1</sup> See References in Text note below.

penditure of the Department of Defense for charter air transportation services during the five-fiscal year period ending in the fiscal year before the fiscal year for which such contracts are awarded.

(2) In calculating the average annual expenditure of the Department of Defense for charter air transportation services for purposes of paragraph (1), the Secretary of Defense shall omit from the calculation any fiscal year exhibiting unusually high demand for charter air transportation services if the Secretary determines that the omission of such fiscal year from the calculation will result in a more accurate forecast of anticipated charter air transportation services for purposes of that paragraph.

(f) ALLOCATION OF MINIMUM PURCHASE AMONG CHARTER AIR TRANSPORTATION CONTRACTS.—(1) The aggregate amount of the minimum purchase amount for all contracts awarded under subsection (c) for a fiscal year, as determined under subsection (e), shall be allocated among all air carriers and air carrier contractor team arrangements awarded contracts under subsection (c) for such fiscal year in proportion to the commitments of such carriers to the Civil Reserve Air Fleet for such fiscal year.

(2) In determining the minimum purchase amount payable under paragraph (1) under a contract under subsection (c) for charter air transportation services provided by an air carrier or air carrier contractor team arrangement during the fiscal year covered by such contract, the Secretary of Defense may adjust the amount allocated to such carrier or arrangement under paragraph (1) to take into account periods during such fiscal year when charter air transportation services of such carrier or a carrier in such arrangement are unavailable for usage by the Department of Defense, including during periods of refused business or suspended operations or when such carrier is placed in nonuse status pursuant to section 2640 of this title for safety reasons.

(g) DISTRIBUTION OF AMOUNTS.—If any amount available under this section for the minimum purchase of charter air transportation services from a carrier or air carrier contractor team arrangement for a fiscal year under a contract under subsection (c) is not utilized to purchase charter air transportation services from the carrier or arrangement in such fiscal year, such amount shall be provided to the carrier or arrangement before the first day of the following fiscal year.

(h) COMMITMENT OF FUNDS.—(1) The Secretary of each military department shall transfer to the transportation working capital fund a percentage of the total amount anticipated to be required in such fiscal year for the payment of minimum purchase amounts under all contracts awarded under subsection (c) for such fiscal year equivalent to the percentage of the anticipated use of charter air transportation services by such military department during such fiscal year from all carriers under contracts awarded under subsection (c) for such fiscal year.

(2) Any amounts required to be transferred under paragraph (1) shall be transferred by the last day of the fiscal year concerned to meet the requirements of subsection (g) unless minimum

purchase amounts have already been distributed by the Secretary of Defense under subsection (g) as of that date.

(i) AVAILABILITY OF AIRLIFT SERVICES.—(1) From the total amount of charter air transportation services available for a fiscal year under all contracts awarded under subsection (c) for such fiscal year, a military department shall be entitled to obtain a percentage of such services equal to the percentage of the contribution of the military department to the transportation working capital fund for such fiscal year under subsection (h).

(2) A military department may transfer any entitlement to charter air transportation services under paragraph (1) to any other military department or to any other agency, element, or component of the Department of Defense.

(j) DEFINITION.—In this section, the term “charter air transportation” has the meaning given such term in section 40102(14) of title 49, except that it only means such transportation for which the Secretary of Defense has entered into a contract for the purpose of passenger travel.

(k) SUNSET.—The authorities in this section shall expire on December 31, 2015.

(Added Pub. L. 110–417, [div. A], title X, § 1033(a), Oct. 14, 2008, 122 Stat. 4591; amended Pub. L. 111–383, div. A, title X, § 1075(b)(50), Jan. 7, 2011, 124 Stat. 4371.)

#### REFERENCES IN TEXT

Section 1356 of the National Defense Authorization Act for Fiscal Year 2008, referred to in subsec. (b), probably means section 356 of the National Defense Authorization Act for Fiscal Year 2008, Pub. L. 110–181, div. A, title III, Jan. 28, 2008, 122 Stat. 74, which is not classified to the Code. The Act does not contain a section 1356.

#### AMENDMENTS

2011—Subsec. (b). Pub. L. 111–383, § 1075(b)(50)(A), which directed substitution of “section 1356 of the National Defense Authorization Act for Fiscal Year 2008” for “Section 1356 of the National Defense Authorization Act for 2008” was executed by making the substitution for “Section 356 of the National Defense Authorization Act for 2008” to reflect the probable intent of Congress.

Subsec. (f)(2). Pub. L. 111–383, § 1075(b)(50)(B), substituted “arrangement under paragraph (1)” for “arrangement under paragraph (2)”.

Subsec. (j). Pub. L. 111–383, § 1075(b)(50)(C), which directed striking out “United States Code,” after “title 49,” in par. (1), was executed by making the amendment in text of subsec. (j) to reflect the probable intent of Congress. Subsec. (j) does not contain a par. (1).

#### REPORT TO CONGRESS; LIMITATION ON EXERCISE OF AUTHORITY

Pub. L. 110–417, [div. A], title X, § 1033(c), Oct. 14, 2008, 122 Stat. 4593, provided that:

“(1) REPORT.—The Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a written report on the actions taken under subsections (a) and (b) of section 9515 of title 10, United States Code, as added by subsection (a), along with the anticipated risks and benefits of such actions.

“(2) LIMITATION.—No authority under subsections (c) through (i) [sic] of such section may be implemented until 30 days after the date on which the Secretary submits the report required under paragraph (1).”

**CHAPTER 933—PROCUREMENT**

Sec.	
[9531.	Repealed.]
9532.	Factories, arsenals, and depots: manufacture at.
[9534, 9535.	Repealed.]
9536.	Equipment: bakeries, schools, kitchens, and mess halls.
[9537, 9538.	Repealed.]
9540.	Architectural and engineering services.
[9541.	Repealed.]

**AMENDMENTS**

1993—Pub. L. 103-160, div. A, title VIII, § 828(a)(9), Nov. 30, 1993, 107 Stat. 1713, struck out items 9531, “Authorization”, 9534, “Subsistence supplies: contract stipulations; place of delivery on inspection”, 9535, “Exceptional subsistence supplies: purchases without advertising”, 9537, “Military surveys and maps: assistance of United States mapping agencies”, 9538, “Unserviceable ammunition: exchange and reclamation”, and 9541, “Gratuitous services of officers of the Air Force Reserve”.

1982—Pub. L. 97-258, § 2(b)(13)(A), Sept. 13, 1982, 96 Stat. 1058, added item 9541.

**[§ 9531. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(2), Nov. 30, 1993, 107 Stat. 1707]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 575, authorized Secretary of the Air Force to procure aircraft and equipment and facilities necessary for the maintenance and operation of the Air Force.

**§ 9532. Factories, arsenals, and depots: manufacture at**

The Secretary of the Air Force may have supplies needed for the Department of the Air Force made in factories, arsenals, or depots owned by the United States, so far as those factories, arsenals, or depots can make those supplies on an economical basis.

(Aug. 10, 1956, ch. 1041, 70A Stat. 576.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9532 .....	5:626-2(e).	Sept. 19, 1951, ch. 407, § 101(e), 65 Stat. 327.

The word “made” is substituted for the words “manufactured or produced”. The words “United States” are substituted for the word “Government”.

**[§§ 9534, 9535. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(4), (5), Nov. 30, 1993, 107 Stat. 1707]**

Section 9534, act Aug. 10, 1956, ch. 1041, 70A Stat. 576, related to provisions in contracts for subsistence supplies.

Section 9535, act Aug. 10, 1956, ch. 1041, 70A Stat. 576, related to purchases without advertising of exceptional subsistence supplies.

**§ 9536. Equipment: bakeries, schools, kitchens, and mess halls**

Money necessary for the following items for the use of enlisted members of the Air Force may be spent from appropriations for regular supplies:

- (1) Equipment for air base bakeries.
- (2) Furniture, textbooks, paper, and equipment for air base schools.
- (3) Tableware and mess furniture for kitchens and mess halls.

(Aug. 10, 1956, ch. 1041, 70A Stat. 576.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9536 .....	10:1334.	June 13, 1890, ch. 423 (1st proviso under “Quartermaster’s Department”), 26 Stat. 152.

The words “Money necessary \* \* \* may be spent” are substituted for the words “There may be expended \* \* \* the amounts required”. The word “bakeries” is substituted for the words “bake house to carry on post bakeries”. The words “each and all” are omitted as surplusage.

**[§§ 9537, 9538. Repealed. Pub. L. 103-160, div. A, title VIII, § 823(6), (7), Nov. 30, 1993, 107 Stat. 1707]**

Section 9537, acts Aug. 10, 1956, ch. 1041, 70A Stat. 576; Nov. 2, 1966, Pub. L. 89-718, § 8(a), 80 Stat. 1117; Dec. 12, 1980, Pub. L. 96-513, title V, § 514(13), 94 Stat. 2936, related to assistance of United States mapping agencies in making and developing military surveys and maps.

Section 9538, acts Aug. 10, 1956, ch. 1041, 70A Stat. 576; Dec. 12, 1980, Pub. L. 96-513, title V, § 514(14), 94 Stat. 2936, related to exchange and reclamation of unserviceable ammunition by Secretary of the Air Force.

**§ 9540. Architectural and engineering services**

(a) Whenever he considers that it is advantageous to the national defense and that existing facilities of the Department of the Air Force are inadequate, the Secretary of the Air Force may, by contract or otherwise, employ the architectural or engineering services of any person outside that Department for producing and delivering designs, plans, drawings, and specifications needed for any public works or utilities project of the Department.

(b) The fee for any service under this section may not be more than 6 percent of the estimated cost, as determined by the Secretary, of the project to which it applies.

(c) Sections 305, 3324, and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5 do not apply to employment under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 577; Pub. L. 89-718, § 28, Nov. 2, 1966, 80 Stat. 1119; Pub. L. 95-454, title VII, § 703(c)(3), title VIII, § 801(a)(3)(I), Oct. 13, 1978, 92 Stat. 1217, 1222; Pub. L. 96-513, title V, § 514(15), Dec. 12, 1980, 94 Stat. 2936.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9540(a) .....	5:221 (1st sentence, less last 15 words).	Aug. 7, 1939, ch. 511, § 2, 53 Stat. 1240.
9540(b) .....	5:221 (less 1st sentence).	
9540(c) .....	5:221 (last 15 words of 1st sentence).	

In subsection (a), the words “and providing that in the opinion” are omitted as covered by the words “whenever he considers”. The words “needed for” are substituted for the words “required for the accomplishment of”.

In subsection (c), reference is made in substance to the Classification Act of 1949, instead of the Classification Act of 1923 referred to in the source statute, since section 1106(a) of the Classification Act of 1949, 63 Stat.

972, provides that all references in other acts to the Classification Act of 1923 should be considered to refer to the Classification Act of 1949.

#### AMENDMENTS

1980—Subsec. (c). Pub. L. 96-513 substituted “and 7204, chapter 51, and subchapters III, IV, and VI of chapter 53 of title 5” for “5101-5115, 5331-5338, 5341, 5342, and 7204 of title 5 and subchapter VI of chapter 53 of such title 5”.

1978—Subsec. (c). Pub. L. 95-454, § 801(a)(3)(I), inserted reference to subchapter VI of chapter 53 of title 5.

Pub. L. 95-454, § 703(c)(3), substituted “7204” for “7154”.

1966—Subsec. (c). Pub. L. 89-718 substituted “Sections 305, 3324, 5101-5115, 5331-5338, 5341, 5342, and 7154 of title 5” for “Sections 1071-1153 of title 5”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by section 703(c)(3) of Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of Title 5, Government Organization and Employees.

Amendment by section 801(a)(3)(I) of Pub. L. 95-454 effective on first day of first applicable pay period beginning on or after 90th day after Oct. 13, 1978, see section 801(a)(4) of Pub. L. 95-454, set out as an Effective Date note under section 5361 of Title 5.

### [§ 9541. Repealed. Pub. L. 103-160, div. A, title VIII, § 822(d)(2), Nov. 30, 1993, 107 Stat. 1707]

Section, added Pub. L. 97-258, § 2(b)(13)(B), Sept. 13, 1982, 96 Stat. 1058, related to gratuitous services of officers of Air Force Reserve. See section 10212 of this title.

## CHAPTER 935—ISSUE OF SERVICEABLE MATERIAL TO ARMED FORCES

Sec.	
9561.	Rations.
9562.	Clothing.
9563.	Clothing: replacement when destroyed to prevent contagion.
9564.	Navy and Marine Corps: camp equipment and transportation; when on shore duty with Air Force.
9565.	Colors, standards, and guidons of demobilized organizations: disposition.

### § 9561. Rations

(a) The President may prescribe the components, and the quantities thereof, of the Air Force ration. He may direct the issue of equivalent articles in place of the prescribed components whenever, in his opinion, economy and the health and comfort of the members of the Air Force so require.

(b) An enlisted member of the Air Force on active duty is entitled to one ration daily. The emergency ration, when issued, is in addition to the regular ration.

(c) Fresh or preserved fruits, milk, butter, and eggs necessary for the proper diet of the sick in hospitals shall be provided under regulations approved by the Secretary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 577.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9561(a) .....	10:724.	Feb. 2, 1901, ch. 192 § 40,
9561(b) .....	10:716b. 10:725.	31 Stat. 758.

#### HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9561(c) .....	10:726.	R.S. 1293, July 16, 1892, ch. 195 (last 15 words before proviso under “Subsistence of the Army”), 27 Stat. 178. Mar. 2, 1907, ch. 2511 (1st proviso under “Subsistence Department”), 34 Stat. 1165. R.S. 1175.

In subsection (a), the words “the components, and the quantities thereof” are substituted for the words “the kinds and quantities of the component articles”. The words “substitutive” and “a due regard” are omitted as surplusage.

In subsection (b), the words “on active duty” are inserted for clarity. The words “under such regulations as may be prescribed by the Secretary of the Army”, in 10:725, are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “or reserve”, “prescribed for use on emergent occasions”, and “furnished”, in 10:725, are omitted as surplusage.

In subsection (c), the words “as the Surgeon General” are omitted, since the Air Force does not have the statutory office of Surgeon General, and functions which, for the Army, are assigned by statute to subordinate officers of the Army are, for the Air Force, assigned to the Secretary of the Air Force. The words “Such quantities of” and “may be allowed” are omitted as surplusage.

#### DELEGATION OF AUTHORITY

Authority of President under subsec. (a) of this section to prescribe uniform military ration applicable to Air Force delegated to Secretary of Defense by section 3(a) of Ex. Ord. No. 12781, Nov. 20, 1991, 56 F.R. 59203, set out as a note under section 301 of Title 3, The President.

### § 9562. Clothing

The President may prescribe the quantity and kind of clothing to be issued annually to members of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 577.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9562 .....	10:831.	R.S. 1296 (less 1st 9 words).

The words “members of the Air Force” are substituted for the words “troops of the United States”.

### § 9563. Clothing: replacement when destroyed to prevent contagion

The Secretary of the Air Force may order a gratuitous issue of clothing to any enlisted member of the Air Force who has had a contagious disease, and to any hospital attendant who attended him while he had that disease, to replace clothing destroyed by order of a medical officer to prevent contagion.

(Aug. 10, 1956, ch. 1041, 70A Stat. 577.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9563 .....	10:834	R.S. 1298.

The words “enlisted member” are substituted for the word “soldiers”. The words “any articles of their” are

omitted as surplusage. The words “while he had that disease” are inserted for clarity. The words “a medical officer” are substituted for the words “proper medical officers”. The words “on the recommendation of the Surgeon General” are omitted, since the Air Force does not have the statutory office of Surgeon General, and functions which, for the Army, are assigned by statute to subordinate officers of the Army are, for the Air Force, assigned to the Secretary of the Air Force.

**§ 9564. Navy and Marine Corps: camp equipment and transportation; when on shore duty with Air Force**

While any detachment of the Navy or Marine Corps is on shore duty in cooperation with troops of the Air Force, the Secretary of the Air Force shall, upon the requisition of the officer of the Navy or Marine Corps in command of the detachment, issue rations and camp equipment, and furnish transportation, to that detachment.

(Aug. 10, 1956, ch. 1041, 70A Stat. 578.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9564 .....	10:1259d. 10:1259e. 34:541.	R.S. 1143; June 28, 1950, ch. 383, § 402(a), 64 Stat. 272. R.S. 1135; June 28, 1950, ch. 383, § 402(a), 64 Stat. 272.

The words “While \* \* \* on shore duty” are substituted for the words “under orders to act on shore”, in 10:1259d and 1259e, and 34:541. The words “the Secretary of the Air Force” are substituted for the words “the branch, office, or officers of the Army, the Secretary of the Army may from time to time designate”, in 10:1259d and 1259e, and 34:541, since the functions which, for the Army, are assigned by statute to subordinate officers of the Army, are, for the Air Force, assigned to the Secretary of the Air Force. The words “during the time such detachment is so acting or proceeding to act”, in 10:1259d and 1259e, and 34:541, are omitted as surplusage. The words “their baggage, provisions, and cannon”, in 10:1259e and 34:541, are omitted as surplusage. The words “and shall furnish the naval officer commanding any such detachment, and his necessary aides, with horses, accouterments, and forage”, in 10:1259e and 34:541, are omitted as obsolete.

**§ 9565. Colors, standards, and guidons of demobilized organizations: disposition**

(a) The Secretary of the Air Force may dispose of colors, standards, and guidons of demobilized organizations of the Air Force, as follows:

(1) Those brought into Federal service by the Air National Guard of a State may be returned to that State upon the request of its governor.

(2) Those that cannot be returned under clause (1) may, upon the request of its governor, be sent to the State that, as determined by the Secretary, furnished the majority of members of the organization when it was formed.

Those that cannot be returned or sent under clause (1) or (2) of this subsection shall be delivered to the Secretary, for such national use as he may direct.

(b) Title to colors, standards, and guidons of demobilized organizations of the Air Force remains in the United States.

(c) No color, standard, or guidon may be disposed of under this section unless provision sat-

isfactory to the Secretary has been made for its preservation and care.

(Aug. 10, 1956, ch. 1041, 70A Stat. 578.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9565(a) .....	5:202 (less 3d and last sentences).	Mar. 4, 1921, ch. 166, § 2, 41 Stat. 1438.
9565(b) .....	5:202 (3d sentence).	
9565(c) .....	5:202 (last sentence).	

In subsection (a), the words “Any which were used during their service by such organizations and” are omitted as surplusage. The first 15 words of the last sentence are substituted for 5:202 (1st 45 words of 2d sentence). The words “the Quartermaster General” are omitted, since the functions which, for the Army, are assigned by statute to subordinate officers of the Army, are, for the Air Force, assigned to the Secretary of the Air Force.

**CHAPTER 937—UTILITIES AND SERVICES**

Sec.

9591. Utilities: proceeds from overseas operations.  
9592. Radiograms and telegrams: forwarding charges due connecting commercial facilities.

9593. Quarters: heat and light.

9594. Air Force Military History Institute: fee for providing historical information to the public.

AMENDMENTS

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1085(c)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-289, added item 9594.

**§ 9591. Utilities: proceeds from overseas operations**

During actual or threatened hostilities, proceeds from operating a public utility in connection with operations of the Air Force in the field overseas are available for that utility until the close of the fiscal year following that in which they are received.

(Aug. 10, 1956, ch. 1041, 70A Stat. 578.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9591 .....	10:1287.	July 9, 1918, ch. 143, subch. XX (1st par.), 40 Stat. 893; May 29, 1928, ch. 901 (par. 37), 45 Stat. 989; Aug. 1, 1953, ch. 305, § 645 (7th clause), 67 Stat. 357.

The words “Air Force” are substituted for the word “Engineer”, since the Air Force does not have organic corps created by statute.

**§ 9592. Radiograms and telegrams: forwarding charges due connecting commercial facilities**

In the operation of telegraph lines, cables, or radio stations, members of the Air Force may, in the discretion of the Secretary of the Air Force, collect forwarding charges due connecting commercial telegraph or radio companies for sending radiograms or telegrams over their lines. Under such regulations as the Secretary may prescribe, they may present a voucher to a disbursing official for payment of the forwarding charge.

(Aug. 10, 1956, ch. 1041, 70A Stat. 578; Pub. L. 97-258, § 2(b)(1)(A), Sept. 13, 1982, 96 Stat. 1052; Pub. L. 104-316, title I, § 105(e), Oct. 19, 1996, 110 Stat. 3830.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9592 .....	10:1319.	May 12, 1917, ch. 12 (proviso under "Washington-Alaska Military Cable and Telegraph System"), 40 Stat. 43.

The words "members of the Air Force" are substituted for the words "Signal Corps", since the Air Force does not have organic corps created by statute. The words "Government", "and to this end", "as may be", and "amount of such" are omitted as surplusage.

## AMENDMENTS

1996—Pub. L. 104-316 substituted "of the forwarding" for "or may file a claim with the General Accounting Office for the forwarding" in second sentence.

1982—Pub. L. 97-258 substituted "official" for "officer".

**§ 9593. Quarters: heat and light**

The heat and light necessary for the authorized quarters of members of the Air Force shall be furnished at the expense of the United States. (Aug. 10, 1956, ch. 1041, 70A Stat. 578.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9593 .....	10:723.	Mar. 2, 1907, ch. 2511 (1st proviso under "Quartermaster's Department"), 34 Stat. 1167.

The word "members" is substituted for the words "officers and enlisted men". The words "under such regulations as the Secretary of the Army may prescribe" are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions.

## CHARGES FOR EXCESS ENERGY CONSUMPTION; DEPOSIT OF PROCEEDS; APPLICABILITY; IMPLEMENTATION

Assessment of members for excess energy consumption in military family housing facilities, see section 507 of Pub. L. 95-82, title V, Aug. 1, 1977, 91 Stat. 372, set out as a note under section 4593 of this title.

**§ 9594. Air Force Military History Institute: fee for providing historical information to the public**

(a) **AUTHORITY.**—Except as provided in subsection (b), the Secretary of the Air Force may charge a person a fee for providing the person with information from the United States Air Force Military History Institute that is requested by that person.

(b) **EXCEPTIONS.**—A fee may not be charged under this section—

(1) to a person for information that the person requests to carry out a duty as a member of the armed forces or an officer or employee of the United States; or

(2) for a release of information under section 552 of title 5.

(c) **LIMITATION ON AMOUNT.**—A fee charged for providing information under this section may

not exceed the cost of providing the information.

(d) **RETENTION OF FEES.**—Amounts received under subsection (a) for providing information in any fiscal year shall be credited to the appropriation or appropriations charged the costs of providing information to the public from the United States Air Force Military History Institute during that fiscal year.

(e) **DEFINITIONS.**—In this section:

(1) The term "United States Air Force Military History Institute" means the archive for historical records and materials of the Air Force that the Secretary of the Air Force designates as the primary archive for such records and materials.

(2) The terms "officer of the United States" and "employee of the United States" have the meanings given the terms "officer" and "employee", respectively, in sections 2104 and 2105, respectively, of title 5.

(Added Pub. L. 106-398, § 1 [[div. A], title X, § 1085(c)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-289.)

**CHAPTER 939—SALE OF SERVICEABLE MATERIAL**

Sec.	
9621.	Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices.
9622.	Rations: commissioned officers in field.
[9623.	Repealed.]
9624.	Medical supplies: civilian employees of the Air Force; American National Red Cross; Armed Forces Retirement Home.
9625.	Ordnance property: officers of armed forces; civilian employees of Air Force; American National Red Cross; educational institutions; homes for veterans' orphans.
9626.	Aircraft supplies and services: foreign military or other state aircraft.
9627.	Supplies: educational institutions.
9628.	Airplane parts and accessories: civilian flying schools.
9629.	Proceeds: disposition.

## AMENDMENTS

2008—Pub. L. 110-181, div. A, title X, § 1031(a)(2), Jan. 28, 2008, 122 Stat. 306, added item 9626 and struck out former item 9626 "Aircraft supplies and services: foreign military or air attaché".

1998—Pub. L. 105-261, div. A, title III, § 366(b), Oct. 17, 1998, 112 Stat. 1987, struck out item 9623 "Tobacco: enlisted members of Air Force".

1990—Pub. L. 101-510, div. A, title XV, § 1533(a)(8)(C), Nov. 5, 1990, 104 Stat. 1735, amended item 9624 generally, substituting "Armed Forces Retirement Home" for "Soldiers' and Airmen's Home".

1980—Pub. L. 96-513, title V, § 514(17)(C), Dec. 12, 1980, 94 Stat. 2936, substituted "Soldiers' and Airmen's Home" for "Soldiers' Home" in item 9624.

**§ 9621. Subsistence and other supplies: members of armed forces; veterans; executive or military departments and employees; prices**

(a) The Secretary of the Air Force shall procure and sell, for cash or credit—

(1) articles designated by him, to members of the Air Force; and

(2) items of individual clothing and equipment, to officers of the Air Force, under such restrictions as the Secretary may prescribe.

An account of sales on credit shall be kept and the amount due reported to the Secretary. Except for articles and items acquired through the use of working capital funds under section 2208 of this title, sales of articles shall be at cost, and sales of individual clothing and equipment shall be at average current prices, including overhead, as determined by the Secretary.

(b) The Secretary shall sell subsistence supplies to members of other armed forces at the prices at which like property is sold to members of the Air Force.

(c) The Secretary may sell serviceable quartermaster property, other than subsistence supplies, to an officer of another armed force for his use in the service, in the same manner as these articles are sold to an officer of the Air Force.

(d) A person who has been discharged honorably or under honorable conditions from the Army, Navy, Air Force, or Marine Corps and who is receiving care and medical treatment from the Public Health Service or the Department of Veterans Affairs may buy subsistence supplies and other supplies, except articles of uniform, at the prices at which like property is sold to a member of the Air Force.

(e) Under such conditions as the Secretary may prescribe, exterior articles of uniform may be sold to a person who has been discharged from the Air Force honorably or under honorable conditions, at the prices at which like articles are sold to members of the Air Force. This subsection does not modify section 772 or 773 of this title.

(f) Whenever, under regulations to be prescribed by the Secretary, subsistence supplies are furnished to any organization of the Air Force or sold to employees of any executive department other than the Department of Defense, payment shall be made in cash or by commercial credit.

(g) The Secretary may, by regulation, provide for the procurement and sale of stores designated by him to such civilian officers and employees of the United States, and such other persons, as he considers proper—

(1) at military installations outside the United States; and

(2) at military installations inside the United States where he determines that it is impracticable for those civilian officers, employees, and persons to obtain those stores from private agencies without impairing the efficient operation of military activities.

However, sales to those officers and employees inside the United States may be made only to those residing within military installations.

(h) Appropriations for subsistence of the Air Force may be applied to the purchase of subsistence supplies for sale to members of the Air Force on active duty for the use of themselves and their families.

(Aug. 10, 1956, ch. 1041, 70A Stat. 579; Pub. L. 87-651, title I, §118, Sept. 7, 1962, 76 Stat. 513; Pub. L. 96-513, title V, §514(16), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 97-22, §11(a)(11), July 10, 1981, 95 Stat. 138; Pub. L. 100-180, div. A, title III, §313(c), Dec. 4, 1987, 101 Stat. 1074; Pub. L. 101-189, div. A, title XVI, §1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 104-106, div. A, title III, §375(b)(2), Feb. 10, 1996, 110 Stat. 283.)

# HISTORICAL AND REVISION NOTES 1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9621(a) .....	10:904. 10:1231. 10:1237. 32:156.	Aug. 31, 1918, ch. 166, §9 (less 17th through 22d words), 40 Stat. 957.
9621(b) .....	10:1238.	R.S. 1144; June 28, 1950, ch. 383, §402(a), 64 Stat. 272.
9621(c) .....	10:1233.	June 3, 1916, ch. 134, §109; restated June 4, 1920, ch. 227, subch. I, §47; restated June 3, 1924, ch. 244, §3; restated Oct. 14, 1940, ch. 875, §3, 54 Stat. 1136; Mar. 25, 1948, ch. 157, §5(b), 62 Stat. 91; Oct. 12, 1949, ch. 681, §501(f)(2) and (3) (as applicable to §109 of the Act of June 3, 1916, ch. 134), 63 Stat. 827; July 9, 1952, ch. 608, §803 (12th par.), 66 Stat. 505.
9621(d) .....	10:1234. 34:539.	June 30, 1942, ch. 253, title I (last proviso under "Clothing and Equipage"), 42 Stat. 729.
9621(e) .....	10:1235.	July 5, 1884, ch. 217 (proviso under "Subsistence of the Army"), 23 Stat. 108.
9621(f) .....	10:1395 (less last sentence).	Aug. 29, 1916, ch. 418 (words before semicolon of 3d proviso under "Subsistence of the Army"), 39 Stat. 630.
9621(g) .....	10:1253.	Mar. 4, 1915, ch. 143 (last proviso under "Clothing, and Camp and Garrison Equipage"), 38 Stat. 1079; June 28, 1950, ch. 383, §402(k), 64 Stat. 273.
9621(h) .....	10:1241.	June 5, 1920, ch. 240 (par. under "Purchase of Army Stores by Discharged Receiving Treatment from the Public Health Service"), 41 Stat. 976.
9621(i) .....	10:1196.	Feb. 14, 1927, ch. 134 (less last sentence), 44 Stat. 1096. Mar. 3, 1911, ch. 209 (last par. under "Subsistence Department"), 36 Stat. 1047. Aug. 8, 1953, ch. 390, §1, 67 Stat. 499. Mar. 3, 1875, ch. 131 (proviso of 1st sentence of 1st par. under "War Department"), 18 Stat. 410.

In subsection (a), the word "members" is substituted for the words "officers and enlisted men", in 10:1237. Clause (2) is substituted for 10:904. Reference to the Secretary of the Air Force is substituted for reference to branch, office, or officers of the Army, in 10:1237, since the functions which, for the Army are assigned to subordinate officers, are, for the Air Force assigned to the Secretary of the Air Force. 32:156 is omitted as covered by 10:904, since the words "officers of the Air Force" necessarily cover all persons named in 32:156. The words "Except for articles and items acquired through the use of working capital funds under sections 172-172j of title 5" are inserted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

In subsection (b), the first sentence states expressly the rule which is implicit in 10:1238. The word "members" is substituted for the words "officers and enlisted men". The words "shall be understood, in all cases of

such sales” are omitted as surplusage. The last sentence is inserted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Deputy General Counsel of the Office of the Secretary of Defense, March 28, 1956.)

In subsection (c), the word “members” is substituted for the words “officers and enlisted men”. The words “prices at which like property is sold to” are substituted for the words “same price as is charged the”.

In subsections (c) and (d), the words “other armed forces” are substituted for the words “Navy and Marine Corps”, since such sales are authorized to members of the Coast Guard by section 144(b) of Title 14.

In subsection (d), the words “other than subsistence supplies” are inserted, since the sale of subsistence supplies is covered by subsection (c).

In subsection (e), the words “a person who has been discharged” are substituted for the words “discharged officers and enlisted men”. The words “Navy \* \* \* or Marine Corps”, omitted from the 1952 edition of the United States Code, are inserted to conform to the source statute. The words “may buy” are substituted for the words “shall \* \* \* be permitted to purchase”. The words “at the prices at which like property is sold” are substituted for the words “at the same price as charged”. The word “member” is substituted for the words “officers and enlisted men”. The words “while undergoing such care and treatment” are omitted as surplusage.

In subsection (f), the words “person who has been discharged” are substituted for the words “former members \* \* \* who have been separated therefrom”. The words “at the prices at which like articles are sold to members” are inserted to conform to the last sentence of subsection (a) and subsection (e).

In subsection (g), the words “regulations to be prescribed by the Secretary” are substituted for the words “Army Regulations”. The words “of the Government” are omitted as surplusage. 10:1253 (last 22 words of 1st sentence) is omitted as surplusage. The words “or to another executive department of the Government” are omitted as superseded by section 7 of the act of May 21, 1920, ch. 194, as amended (31 U.S.C. 686). The provisions of 10:1253 relating to the computation of cost are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

In subsection (h), the word “outside” is substituted for the words “beyond the continental limitations”. The words “or in Alaska” are omitted, since, under section 101(1) of this title, the words “United States” are defined to include only the States and the District of Columbia. The word “continental”, after the words “within the”, is omitted for the same reason. The last sentence is substituted for 10:1241 (proviso).

In subsection (i), 10:1196 (last 30 words) is omitted as superseded by the Act of April 27, 1914, ch. 72 (last proviso under “Subsistence of the Army”), 38 Stat. 361. The words “So much of the” and “as may be necessary” are omitted as surplusage. The words “members \* \* \* on active duty, for the use of themselves and their families” are substituted for the words “officers for the use of themselves and their families, and to commanders of companies or other organizations, for the use of the enlisted men of their companies or organizations”, to conform to 10:1237 and 1238. Those sections provide the basic authority for procurement and sale of subsistence supplies to all members. This interpretation conforms to established administrative practice under those sections. The word “supplies” is substituted for the word “stores”.

1962 ACT

The change corrects an internal reference.

#### AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106, §375(b)(2)(A), substituted “The Secretary shall” for “The Air Force shall”.

Subsec. (f). Pub. L. 104-106, §375(b)(2)(B), inserted “or by commercial credit” before period at end.

1989—Subsec. (d). Pub. L. 101-189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1987—Subsecs. (b) to (i). Pub. L. 100-180 redesignated subsecs. (c) to (i) as (b) to (h), respectively, and struck out former subsec. (b) which read as follows: “Subsistence supplies may be sold to members of the Air Force. The selling price of each article sold under this subsection is the invoice price of the last lot of that article that the officer making the sale received before the first day of the month in which the sale is made. Activities conducted under this subsection shall be consistent with section 2208 of this title.”

1981—Subsec. (f). Pub. L. 97-22 struck out a comma after “section 772”.

1980—Subsec. (f). Pub. L. 96-513 struck out reference to section 8612 of this title.

1962—Subsecs. (a), (b). Pub. L. 87-651 substituted “section 2208 of this title” for “sections 172-172j of title 5”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### § 9622. Rations: commissioned officers in field

Commissioned officers of the Air Force serving in the field may buy rations for their own use, on credit. Amounts due for these purchases shall be reported monthly to the Secretary of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 580.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9622 .....	10:1232.	R.S. 1145.

The words “at cost prices” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

#### [§ 9623. Repealed. Pub. L. 105-261, div. A, title III, § 366(a), Oct. 17, 1998, 112 Stat. 1987]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 580, related to sale of tobacco by Air Force to enlisted members.

#### § 9624. Medical supplies: civilian employees of the Air Force; American National Red Cross; Armed Forces Retirement Home

(a) Under regulations to be prescribed by the Secretary of the Air Force, a civilian employee of the Department of the Air Force who is stationed at an air base may buy necessary medical supplies from the Air Force when they are prescribed by a medical officer on active duty.

(b) The Secretary may sell medical supplies to the American National Red Cross for cash.

(c) The Secretary may sell medical and hospital supplies to the Armed Forces Retirement Home.



(Aug. 10, 1956, ch. 1041, 70A Stat. 580; Pub. L. 96-513, title V, § 514(17)(A), (B), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 101-510, div. A, title XV, § 1533(a)(8)(A), (B), Nov. 5, 1990, 104 Stat. 1735.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9624(a) .....	10:1236.	Apr. 23, 1904, ch. 1485 (last proviso under “Medical Department”), 33 Stat. 273; Mar. 2, 1905, ch. 1307 (last proviso under “Medical Department”), 33 Stat. 839. Mar. 4, 1915, ch. 143 (2d proviso under “Medical Department”), 38 Stat. 1080. June 4, 1897, ch. 2 (par. under “Soldiers’ Home, District of Columbia”), 30 Stat. 54; June 28, 1950, ch. 383, § 402(d), 64 Stat. 272.
9624(b) .....	10:1254.	
9624(c) .....	24:58.	

In subsection (a), the words “on active duty” are inserted for clarity.

In subsection (b), the words “rates of charge”, “to cover the cost of purchase, inspection, and so forth”, and “as can be spared without detriment to the military service” are omitted as surplusage. The words “the contract prices paid therefor” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories, at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.) The word “equipments” is omitted as covered by the word “supplies”.

In subsections (b) and (c), the words “The Secretary” are substituted for the words “Medical Department of the Army”, since the functions which, for the Army, are assigned by statute to subordinate organizational units of the Army, are, for the Air Force, assigned to the Secretary of the Air Force.

In subsection (c), the words “in the District of Columbia” are omitted as surplusage, since there is only one Soldiers’ Home. The words “Upon proper application therefor” are omitted as surplusage. The words “its contract prices” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

## AMENDMENTS

1990—Pub. L. 101-510, § 1533(a)(8)(B), substituted “Armed Forces Retirement Home” for “Soldiers’ and Airmen’s Home” in section catchline.

Subsec. (c). Pub. L. 101-510, § 1533(a)(8)(A), substituted “Armed Forces Retirement Home” for “United States Soldiers’ and Airmen’s Home”.

1980—Pub. L. 96-513, § 514(17)(B), inserted “the” before “Air” and “and Airmen’s” after “Soldiers’” in section catchline.

Subsec. (c). Pub. L. 96-513, § 514(17)(A), substituted “United States Soldiers’ and Airmen’s” for “Soldiers’”.

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101-510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

**§ 9625. Ordnance property: officers of armed forces; civilian employees of Air Force; American National Red Cross; educational institutions; homes for veterans’ orphans**

(a) The Secretary of the Air Force may sell articles of ordnance property to officers of other armed forces for their use in the service, in the same manner as these articles are sold to officers of the Air Force.

(b) Under such regulations as the Secretary may prescribe, ordnance stores may be sold to civilian employees of the Air Force and to the American National Red Cross.

(c) Articles of ordnance property may be sold to educational institutions and to State soldiers’ and sailors’ orphans’ homes for maintaining the ordnance and ordnance stores issued to those institutions and homes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 580.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9625(a) .....	34:540.	Mar. 3, 1909, ch. 252 (5th par. under “National Trophy and Medals for Rifle Contests”), 35 Stat. 750. Mar. 3, 1909, ch. 252 (8th par. under “National Trophy and Medals for Rifle Contests”), 35 Stat. 751; June 28, 1950, ch. 383, § 402(h), 64 Stat. 273. May 11, 1908, ch. 163 (4th par. under “National Trophy and Medals for Rifle Contests”), 35 Stat. 125.
9625(b) .....	50:70.	
9625(c) .....	50:71.	

In subsection (a), the words “Secretary of the Air Force” are substituted for the words “Chief of Ordnance”, since the functions which, for the Army, are assigned to subordinate officers of the Army, are, for the Air Force, assigned to the Secretary of the Air Force. The words “other armed forces” are substituted for the words “the Navy and Marine Corps”, in 34:540 and 50:70, since those sales may be made to officers of the Coast Guard under section 114(c) of Title 14.

**§ 9626. Aircraft supplies and services: foreign military or other state aircraft**

(a) PROVISION OF SUPPLIES AND SERVICES ON REIMBURSABLE BASIS.—(1) The Secretary of the Air Force may, under such regulations as the Secretary may prescribe and when in the best interests of the United States, provide any of the supplies or services described in paragraph (2) to military and other state aircraft of a foreign country, on a reimbursable basis without an advance of funds, if similar supplies and services are furnished on a like basis to military aircraft and other state aircraft of the United States by the foreign country concerned.

(2) The supplies and services described in this paragraph are supplies and services as follows:

(A) Routine airport services, including landing and takeoff assistance, servicing aircraft with fuel, use of runways, parking and servicing, and loading and unloading of baggage and cargo.

(B) Miscellaneous supplies, including Air Force-owned fuel, provisions, spare parts, and general stores, but not including ammunition.

(b) PROVISION OF ROUTINE AIRPORT SERVICES ON NON-REIMBURSABLE BASIS.—(1) Routine airport services may be provided under this section at no cost to a foreign country—

(A) if such services are provided by Air Force personnel and equipment without direct cost to the Air Force; or

(B) if such services are provided under an agreement with the foreign country that provides for the reciprocal furnishing by the foreign country of routine airport services, as defined in that agreement, to military and other state aircraft of the United States without reimbursement.

(2) If routine airport services are provided under this section by a working-capital fund activity of the Air Force under section 2208 of this title and such activity is not reimbursed directly for the costs incurred by the activity in providing such services by reason of paragraph (1)(B), the working-capital fund activity shall be reimbursed for such costs out of funds currently available to the Air Force for operation and maintenance.

(Aug. 10, 1956, ch. 1041, 70A Stat. 581; Pub. L. 110–181, div. A, title X, §1031(a)(1), Jan. 28, 2008, 122 Stat. 305.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9626 .....	22:259 (less last sentence).	May 31, 1939, ch. 161 (less last sentence), 53 Stat. 795.

The last sentence is substituted for the words “except for shelter for which no charge shall be made”. The words “and equipment” are omitted as covered by the word “supplies”. 22:259 (last 22 words of 2d sentence) is omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

#### AMENDMENTS

2008—Pub. L. 110–181 amended section generally. Prior to amendment, text read as follows: “Under such conditions as he may prescribe, the Secretary of the Air Force may provide for the sale of fuel, oil, and other supplies for use in aircraft operated by a foreign military or air attaché accredited to the United States, and for the furnishing of mechanical service and other assistance to such aircraft. Shelter may be furnished to such aircraft, but only without charge.”

#### § 9627. Supplies: educational institutions

Under such regulations as the Secretary of the Air Force may prescribe, supplies and military publications procured for the Air Force may be sold to any educational institution to which an officer of the Air Force is detailed as professor of air science and tactics, for the use of its military students. Sales under this section shall be for cash.

(Aug. 10, 1956, ch. 1041, 70A Stat. 581.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9627 .....	10:1179 (less proviso).	July 17, 1914, ch. 149 (less proviso), 38 Stat. 512.

The words “procured for” are substituted for the words “as are furnished to”. The words “stores \* \* \* matériel of war” are omitted as covered by the word “supplies”. The words “the price listed to the Army” are omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

#### § 9628. Airplane parts and accessories: civilian flying schools

The Secretary of the Air Force may sell, to civilian flying schools at which personnel of the Department of the Air Force or the Department of the Army are receiving flight training under contracts requiring these schools to maintain and repair airplanes of the Air Force furnished to them for flight training, the spare parts and accessories needed for those repairs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 581.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9628 .....	10:298c.	Feb. 12, 1940, ch. 27, Title I (proviso under “Air Corps”), 54 Stat. 25.

The words “under the provisions of the Act of April 3, 1939 (53 Stat. 555)”, are omitted as obsolete, since training formerly performed under that act is now performed under section 9301 of this title. The words “personnel of the Departments” are substituted for the words “flying cadets”, since the authority is reciprocal, and to conform to section 9656 of this title. The words “flying cadet” are omitted as obsolete. 10:298c (last 28 words) is omitted to reflect Title IV of the National Security Act of 1947, as amended (63 Stat. 585), which authorized the Secretary of Defense to prescribe regulations governing the use and sale of certain inventories at cost, including applicable administrative expenses. (See opinion of the Assistant General Counsel (Fiscal Matters) of the Office of the Secretary of Defense, January 4, 1955.)

#### § 9629. Proceeds: disposition

The proceeds of sales of the following shall be paid into the Treasury to the credit of the appropriation out of which they were purchased, and are available for the purposes of that appropriation:

(1) Exterior articles of uniform sold under section 9621 of this title.

(2) Supplies, war material, and military publications sold to educational institutions under section 9627 of this title.

(3) Fuel, oil, other supplies, and services sold under section 9626 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 581; Pub. L. 110–181, div. A, title X, §1031(b), Jan. 28, 2008, 122 Stat. 306.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9629 .....	10:1179 (proviso). 10:1395 (last sentence). 22:259 (last sentence).	Feb. 14, 1927, ch. 134 (last sentence), 44 Stat. 1096.  July 17, 1914, ch. 149 (proviso), 38 Stat. 512. May 31, 1939, ch. 161 (last sentence), 53 Stat. 796.

## AMENDMENTS

2008—Par. (3). Pub. L. 110–181 struck out “for aircraft of a foreign military or air attaché” after “services”.

**CHAPTER 941—ISSUE OF SERVICEABLE MATERIAL OTHER THAN TO ARMED FORCES**

Sec.	
9651.	Arms, tentage, and equipment: educational institutions not maintaining units of A.F.R.O.T.C.
9652.	Rifles and ammunition for target practice: educational institutions having corps of cadets.
9653.	Ordnance and ordnance stores: District of Columbia high schools.
9654.	Supplies: military instruction camps.
9655.	Arms and ammunition: agencies and departments of United States.
9656.	Aircraft and equipment: civilian aviation schools.

## AMENDMENTS

2009—Pub. L. 111–84, div. A, title X, §1073(a)(32), Oct. 28, 2009, 123 Stat. 2474, transferred item 9515 “Charter air transportation services: minimum annual purchase amount for carriers participating in Civil Reserve Air Fleet” to chapter 931 of this title.

2008—Pub. L. 110–417, [div. A], title X, §1033(b), Oct. 14, 2008, 122 Stat. 4593, added item 9515 at end.

**§ 9651. Arms, tentage, and equipment: educational institutions not maintaining units of A.F.R.O.T.C.**

Under such conditions as he may prescribe, the Secretary of the Air Force may issue arms, tentage, and equipment that he considers necessary for proper military training, to any educational institution at which no unit of the Air Force Reserve Officers’ Training Corps is maintained, but which has a course in military training prescribed by the Secretary and which has at least 100 physically fit students over 14 years of age.

(Aug. 10, 1956, ch. 1041, 70A Stat. 581; Pub. L. 99–145, title XIII, §1301(d)(3), Nov. 8, 1985, 99 Stat. 736.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9651 .....	10:1180.	June 3, 1916, ch. 134, §55c (words before semicolon); added June 4, 1920, ch. 227, subch. I, §35 (words of last par. before semicolon), 41 Stat. 780.

The reference to schools “other than those provided for in section 381 of this title” is omitted as covered by the descriptions of the educational institutions.

## AMENDMENTS

1985—Pub. L. 99–145 struck out “male” before “students”.

**§ 9652. Rifles and ammunition for target practice: educational institutions having corps of cadets**

(a) The Secretary of the Air Force may lend, without expense to the United States, magazine rifles and appendages that are not of the existing service models in use at the time, and that are not necessary for a proper reserve supply, to any educational institution having a uniformed corps of cadets of sufficient number for target practice. He may also issue 40 rounds of ball cartridges for each cadet for each range at which target practice is held, but not more than 120 rounds each year for each cadet participating in target practice.

(b) The institutions to which property is lent under subsection (a) shall use it for target practice, take proper care of it, and return it when required.

(c) The Secretary shall prescribe regulations to carry out this section, containing such other requirements as he considers necessary to safeguard the interests of the United States.

(Aug. 10, 1956, ch. 1041, 70A Stat. 582.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9652(a) .....	10:1185 (1st par.).	Apr. 27, 1914, ch. 72 (last proviso and last par. under “Manufacture of Arms”), 38 Stat. 370.
9652(b) .....	10:1185 (last par., less 1st 22, and last 19, words).	
9652(c) .....	10:1185 (1st 22, and last 19, words of last par.).	

In subsection (a), the words, “and carrying on military training” and “the maintenance of” are omitted as surplusage. In clause (2), the words “suitable to said arm” are omitted as surplusage.

In subsection (b), the words “shall use it for target practice” are substituted for the words “insuring the designed use of the property issued”. The words “take proper care of it” are substituted for the words “providing against loss to the United States through lack of proper care”.

**§ 9653. Ordnance and ordnance stores: District of Columbia high schools**

The Secretary of the Air Force, under regulations to be prescribed by him, may issue to the high schools of the District of Columbia ordnance and ordnance stores required for military instruction and practice. The Secretary shall require a bond in double the value of the property issued under this section, for the care and safekeeping of that property and, except for property properly expended, for its return when required.

(Aug. 10, 1956, ch. 1041, 70A Stat. 582.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9653 .....	10:1183.	Feb. 5, 1891, J. Res. 9, 26 Stat. 1113.

The words “at his discretion and”, “belonging to the Government, and which can be spared for that purpose”, and “in each case” are omitted as surplusage. The words “high schools of the” are substituted for the words “High School of Washington”, since the various high schools of the District of Columbia have succeeded the Washington High School that existed at the time the statute was enacted. The words “except for property properly expended” are inserted for clarity.

**§ 9654. Supplies: military instruction camps**

Under such conditions as he may prescribe, the Secretary of the Air Force may issue, to any educational institution at which an Air Force officer is detailed as professor of air science and tactics, such supplies as are necessary to establish and maintain a camp for the military instruction of its students. The Secretary shall require a bond in the value of the property issued under this section, for the care and safekeeping of that property and, except for property properly expended, for its return when required.

(Aug. 10, 1956, ch. 1041, 70A Stat. 582.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9654 .....	10:1182.	May 18, 1916, ch. 124, 39 Stat. 123.

The words “at his discretion and” and “belonging to the Government, and which can be spared for that purpose, as may appear to be” are omitted as surplusage. The words “except for property properly expended” are inserted for clarity. The word “stores” is omitted as covered by the word “supplies”.

**§ 9655. Arms and ammunition: agencies and departments of United States**

(a) Whenever required for the protection of public money and property, the Secretary of the Air Force may lend arms and their accouterments, and issue ammunition, to a department or independent agency of the United States, upon request of its head. Property lent or issued under this subsection may be delivered to an officer of the department or agency designated by the head thereof, and that officer shall account for the property to the Secretary of the Air Force. Property lent or issued under this subsection and not properly expended shall be returned when it is no longer needed.

(b) The department or agency to which property is lent or issued under subsection (a) shall transfer funds to the credit of the Department of the Air Force to cover the costs of—

- (1) ammunition issued;
- (2) replacing arms and accouterments that have been lost or destroyed or cannot be repaired;
- (3) repairing arms and accouterments returned to the Department of the Air Force; and
- (4) making and receiving shipments by the Department of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 582.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9655(a) .....	50:61 (less proviso).	Mar. 3, 1879, ch. 183 (2d par. under “Miscellaneous”); restated Apr. 14, 1937, ch. 79, 50 Stat. 63.
9655(b) .....	50:61 (proviso).	

In subsection (a), the word “lend” is substituted for the word “issue”, with respect to arms and accouterments, since the property must be returned when the necessity for its use has expired. The words “and not properly expended” are inserted for clarity. The words “United States” are substituted for the word “Govern-

ment”. The word “their” is substituted for the words “suitable \* \* \* for use therewith”. The words “it is no longer needed” are substituted for the words “the necessity for their use has expired”.

In subsection (b), the words “hereafter”, “borrowed”, and “under the authority of this section” are omitted as surplusage.

**§ 9656. Aircraft and equipment: civilian aviation schools**

The Secretary of the Air Force, under regulations to be prescribed by him, may lend aircraft, aircraft parts, and aeronautical equipment and accessories that are required for instruction, training, and maintenance, to accredited civilian aviation schools at which personnel of the Department of the Air Force or the Department of the Army are pursuing a course of instruction and training under detail by competent orders.

(Aug. 10, 1956, ch. 1041, 70A Stat. 583; Pub. L. 97-295, § 1(53), Oct. 12, 1982, 96 Stat. 1301.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9656 .....	10:298b.	Apr. 3, 1939, ch. 35, § 4, 53 Stat. 556.

The words “in his discretion and”, “rules”, “limitations”, and “on hand and belonging to the Government such articles as may appear to be” are omitted as surplusage. The words “Department of the Air Force or the Department of the Army” are substituted for the words “Military Establishment”, since the authority is reciprocal.

## 1982 ACT

In 10:9656, the words “, and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots” are stricken as obsolete.

## AMENDMENTS

1982—Pub. L. 97-295 struck out “, and at least one of which is designated by the Civil Aeronautics Authority for the training of Negro air pilots” after “competent orders”.

**CHAPTER 943—DISPOSAL OF OBSOLETE OR SURPLUS MATERIAL**

Sec. 9681.	Surplus war material: sale to States and foreign governments.
9682.	Obsolete or excess material: sale to National Council of Boy Scouts of America.
9684.	Surplus obsolete ordnance: sale to patriotic organizations.
9685.	Obsolete ordnance: loan to educational institutions and State soldiers' and sailors' orphans' homes.
9686.	Obsolete ordnance: gift to State homes for soldiers and sailors.

**§ 9681. Surplus war material: sale to States and foreign governments**

Subject to regulations under section 121 of title 40, the Secretary of the Air Force may sell surplus war material and supplies, except food, of the Department of the Air Force, for which there is no adequate domestic market, to any State or to any foreign government with which the United States was at peace on June 5, 1920. Sales under this section shall be made upon terms that the Secretary considers expedient.

(Aug. 10, 1956, ch. 1041, 70A Stat. 583; Pub. L. 96-513, title V, §514(18), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 107-217, §3(b)(36), Aug. 21, 2002, 116 Stat. 1298.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9681 .....	10:1262.	June 5, 1920, ch. 240 (2d proviso under “Contingencies of the Army”), 41 Stat. 949; Oct. 31, 1951, ch. 654, §2(8), 65 Stat. 707.

The word “may” is substituted for the words “is authorized in his discretion, to”. The words “war material” are substituted for the word “matériel”. The words “or equipment” are omitted as covered by the word “supplies”. The words “of the Department of the Air Force” are substituted for the words “pertaining to the Military Establishment”. The words “which are not needed for military purposes” are omitted as covered by the word “surplus”. The words “as or may be found to be” are omitted as surplusage.

## AMENDMENTS

2002—Pub. L. 107-217 substituted “section 121 of title 40” for “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)”.

1980—Pub. L. 96-513 substituted “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)” for “section 486 of title 40”.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

### § 9682. Obsolete or excess material: sale to National Council of Boy Scouts of America

Subject to regulations under section 121 of title 40, the Secretary of the Air Force, under such conditions as he may prescribe, may sell obsolete or excess material to the National Council of the Boy Scouts of America. Sales under this section shall be at fair value to the Department of the Air Force, including packing, handling, and transportation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 583; Pub. L. 96-513, title V, §514(18), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 107-217, §3(b)(37), Aug. 21, 2002, 116 Stat. 1298.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9682 .....	10:1259.	May 15, 1937, ch. 193, 50 Stat. 167; Oct. 31, 1951, ch. 654, §2(7), 65 Stat. 707.

The words “obsolete or excess material” are substituted for the words “such obsolete material as may not be needed by the Department of the Army, and such other material as may be spared” to conform to the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 471 et seq.). The words “in his discretion” are omitted as surplusage.

## AMENDMENTS

2002—Pub. L. 107-217 substituted “section 121 of title 40” for “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)”.

1980—Pub. L. 96-513 substituted “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)” for “section 486 of title 40”.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

### § 9684. Surplus obsolete ordnance: sale to patriotic organizations

Subject to regulations under section 121 of title 40, the Secretary of the Air Force may sell, without advertisement and at prices that he considers reasonable—

(1) surplus obsolete small arms and ammunition and equipment for them, to any patriotic organization for military purposes; and

(2) surplus obsolete brass or bronze cannons, carriages, and cannon balls, for public parks, public buildings, and soldiers’ monuments.

(Aug. 10, 1956, ch. 1041, 70A Stat. 583; Pub. L. 96-513, title V, §514(18), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 107-217, §3(b)(38), Aug. 21, 2002, 116 Stat. 1298.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9684 .....	50:64. 50:68.	May 28, 1908, ch. 215, §14, 35 Stat. 443; June 28, 1950, ch. 383, §402(g), 64 Stat. 273; Oct. 31, 1951, ch. 654, §2(26), 65 Stat. 707. Mar. 4, 1909, ch. 319, §47, 35 Stat. 1075; June 28, 1950, ch. 383, §402(i), 64 Stat. 273; Oct. 31, 1951, ch. 654, §2(28), 65 Stat. 707.

50:64 (proviso) and 50:68 (proviso) are omitted as surplusage.

The words “the Chief of Ordnance” are omitted, since the functions which, for the Army, are assigned by statute to subordinate officers of the Army, are, for the Air Force, assigned to the Secretary of the Air Force.

## AMENDMENTS

2002—Pub. L. 107-217 substituted “section 121 of title 40” for “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)” in introductory provisions.

1980—Pub. L. 96-513 substituted “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)” for “section 486 of title 40”.

## EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

### § 9685. Obsolete ordnance: loan to educational institutions and State soldiers’ and sailors’ orphans’ homes

(a) Upon the recommendation of the Governor of the State concerned or Guam or the Virgin Islands, the Secretary of the Air Force, under regulations to be prescribed by him and without cost to the United States for transportation, may lend obsolete ordnance and ordnance stores to State, Guam, and the Virgin Islands educational institutions and to State soldiers’ and sailors’ orphans’ homes, for drill and instruction. However, no loan may be made under this subsection to an institution to which ordnance or ordnance stores may be issued under any law that was in effect on June 30, 1906, and is still in effect.

(b) The Secretary shall require a bond from each institution or home to which property is lent under subsection (a), in double the value of the property lent, for the care and safekeeping of that property and, except for property properly expended, for its return when required.

(Aug. 10, 1956, ch. 1041, 70A Stat. 584; Pub. L. 109-163, div. A, title X, § 1057(a)(10), Jan. 6, 2006, 119 Stat. 3441.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9685(a) .....	50:62a (1st par. and proviso of last par.).	June 30, 1906, ch. 3938, 34 Stat. 817.
9685(b) .....	50:62a (last par., less proviso).	

In subsection (a), the words “at his discretion” and “as may be available” are omitted as surplusage. The word “lend” is substituted for the word “issue” to reflect the intent of the section. 50:62a (1st 13 words of proviso) is omitted as surplusage. The words “and which is still in effect” are inserted for clarity.

In subsection (b), the words “to the United States” are omitted as surplusage. The words “except property properly expended” are inserted for clarity.

#### AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted “State concerned or Guam or the Virgin Islands” for “State or Territory concerned” and “State, Guam, and the Virgin Islands” for “State and Territorial”.

#### § 9686. Obsolete ordnance: gift to State homes for soldiers and sailors

Subject to regulations under section 121 of title 40, the Secretary of the Air Force may give not more than two obsolete bronze or iron cannons suitable for firing salutes to any home for soldiers or sailors established and maintained under State authority.

(Aug. 10, 1956, ch. 1041, 70A Stat. 584; Pub. L. 96-513, title V, § 514(18), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 107-217, § 3(b)(39), Aug. 21, 2002, 116 Stat. 1298.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9686 .....	50:66.	Feb. 8, 1889, ch. 116, 25 Stat. 657; Oct. 31, 1951, ch. 654, § 2(27), 65 Stat. 707. Mar. 3, 1899, ch. 423 (1st proviso under “Ordnance Department”), 30 Stat. 1073; May 26, 1900, ch. 586 (1st proviso under “Ordnance Department”), 31 Stat. 216; June 28, 1950, ch. 383, § 402(e), 64 Stat. 273.

The words “subject to such regulations as he may prescribe” are omitted, since the Secretary has inherent authority to issue regulations appropriate to exercising his statutory functions. The words “to any of the ‘National Homes for Disabled Volunteer Soldiers’ already established or hereafter established and”, in the Act of February 8, 1889, ch. 116, 25 Stat. 657, are not contained in 50:66 (2d sentence). They are also omitted from the revised section, since the National Homes for Disabled Volunteer Soldiers were dissolved by the Act of July 3, 1930, ch. 863, 46 Stat. 1016. The Acts of March 3, 1899, ch. 643 (1st proviso under “Ordnance Department”), 30 Stat. 1073; and May 26, 1900, ch. 586 (1st pro-

viso under “Ordnance Department”), 31 Stat. 216, as amended, relating to disposal of ordnance to “Homes for Disabled Volunteer Soldiers” by the Chief of Ordnance of the Army, became inoperative when the Homes were dissolved. Although section 402(e) of the Army Organization Act of 1950, ch. 383, 64 Stat. 273, amended the Act of May 26, 1900, it did not have the effect of reviving that act. The word “give” is substituted for the word “deliver” to express more clearly the intent of the section. The words “serviceable” and “as may be on hand undisposed of” are omitted as surplusage. The word “may” is substituted for the words “is authorized and directed”, since section 9684 of this title provides an alternative method for the disposal of obsolete cannon.

#### AMENDMENTS

2002—Pub. L. 107-217 substituted “section 121 of title 40” for “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)”.

1980—Pub. L. 96-513 substituted “section 205 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 486)” for “section 486 of title 40”.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### CHAPTER 945—DISPOSITION OF EFFECTS OF DECEASED PERSONS

Sec.	
[9711.	Repealed.]
9712.	Disposition of effects of deceased persons by summary court-martial.
[9713.	Repealed.]

#### AMENDMENTS

1999—Pub. L. 106-65, div. A, title VII, § 721(c)(4), (6), Oct. 5, 1999, 113 Stat. 695, substituted “DISPOSITION” for “INQUESTS; DISPOSITION” in chapter heading and struck out item 9711 “Inquests”.

1990—Pub. L. 101-510, div. A, title XV, § 1533(a)(10)(B), Nov. 5, 1990, 104 Stat. 1735, struck out item 9713 “Disposition of effects of deceased persons by Soldiers’ and Airmen’s Home”.

1980—Pub. L. 96-513, title V, § 514(20)(C), Dec. 12, 1980, 94 Stat. 2936, substituted “Soldiers’ and Airmen’s Home” for “Soldiers’ Home” in item 9713.

#### [§ 9711. Repealed. Pub. L. 106-65, div. A, title VII, § 721(b), Oct. 5, 1999, 113 Stat. 694]

Section, Aug. 10, 1956, ch. 1041, 70A Stat. 584, related to inquests.

#### § 9712. Disposition of effects of deceased persons by summary court-martial

(a) Upon the death of—

(1) a person subject to military law at a place or command under the jurisdiction of the Air Force; or

(2) a resident of the Armed Forces Retirement Home who dies in an Air Force hospital outside the District of Columbia when sent from the Home to that hospital for treatment;

the commanding officer of the place or command shall permit the legal representative or the surviving spouse of the deceased, if present, to take possession of the effects of the deceased that are then at the air base or in quarters.

(b) If there is no legal representative or surviving spouse present, the commanding officer shall direct a summary court-martial to collect the effects of the deceased that are then at the air base or in quarters.

(c) The summary court-martial may collect debts due the decedent's estate by local debtors, pay undisputed local creditors of the deceased to the extent permitted by money of the deceased in the court's possession, and shall take receipts for those payments, to be filed with the court's final report to the Department of the Air Force.

(d) As soon as practicable after the collection of the effects and money of the deceased, the summary court-martial shall send them at the expense of the United States to the living person highest on the following list who can be found by the court:

- (1) The surviving spouse or legal representative.
- (2) A child of the deceased.
- (3) A parent of the deceased.
- (4) A brother or sister of the deceased.
- (5) The next-of-kin of the deceased.
- (6) A beneficiary named in the will of the deceased.

(e) If the summary court-martial cannot dispose of the effects under subsection (d) because there are no persons in those categories or because the court finds that the addresses of the persons are not known or readily ascertainable, the court may convert the effects of the deceased, except sabers, insignia, decorations, medals, watches, trinkets, manuscripts, and other articles valuable chiefly as keepsakes, into cash, by public or private sale, but not until 30 days after the date of death of the deceased.

(f) As soon as practicable after the effects have been converted into cash under subsection (e), the summary court-martial shall deposit all cash in the court's possession and belonging to the estate with the officer designated in regulations, and shall send a receipt therefor, together with any will or other papers of value, an inventory of the effects and articles not permitted to be sold, to the executive part of the Department of the Air Force. The Secretary of the Air Force shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Air Force under this subsection.

(Aug. 10, 1956, ch. 1041, 70A Stat. 585; Pub. L. 89-718, § 48, Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96-513, title V, § 514(19), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 99-145, title XIII, § 1301(d)(4)(A), Nov. 8, 1985, 99 Stat. 736; Pub. L. 101-510, div. A, title XV, § 1533(a)(9), Nov. 5, 1990, 104 Stat. 1735; Pub. L. 104-316, title II, § 202(g), Oct. 19, 1996, 110 Stat. 3842.)

## HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9712(a) .....	5:150j (words before 1st semicolon of 1st par.; and last par.).	June 4, 1920, ch. 227, subch. II, § 1 (Art. 112), 41 Stat. 809; May 5, 1950, ch. 169, § 6(c), 64 Stat. 145.
9712(b) .....	5:150j (22 words after 1st semicolon of 1st par.).	
9712(c) .....	5:150j (words between 1st and 2d semicolons of 1st par., less 1st 22 words).	
9712(d) .....	5:150j (words between 2d and 3d semicolons of 1st par.).	
9712(e) .....	5:150j (words between 3d and 4th semicolons of 1st par.).	
9712(f) .....	5:150j (1st par., less words before 4th semicolon, and less last 40 words).	

## HISTORICAL AND REVISION NOTES—CONTINUED

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9712(g) .....	5:150j (last 40 words of 1st par.).	

In subsection (a), the words “the court-martial jurisdiction of the Air Force or the Army at a place or command under the jurisdiction of the Air Force” are substituted for the words “military law”, to reflect the creation of a separate Air Force. Clause (2) is substituted for 5:150j (last par.).

In subsections (a), (b), and (c), the words “surviving spouse” are substituted for the word “widow”.

In subsection (c), the word “may” is substituted for the words “shall have authority to”. The words “to the extent permitted” are substituted for the words “in so far as \* \* \* will permit”. The words “under this article” and “upon its transactions” are omitted as surplusage.

In subsection (d), the words “through the Quartermaster Corps” are omitted, since the Air Force does not have organic corps created by statute. The words “if such be found by said court” are omitted as surplusage. The words “United States” are substituted for the word “Government”. 5:150j (19 words before 3d semicolon of 1st par.) is omitted as covered by subsection (g).

In subsection (e), the first 37 words are substituted for 5:150j (33 words after 3d semicolon of 1st par.). The word “may” is substituted for the word “shall have the authority”.

In subsection (f), the words “Soldiers' Home” are inserted, since, as provided in section 9713 of this title, the Home is now the place where the mentioned articles are sent.

## AMENDMENTS

1996—Subsec. (g). Pub. L. 104-316 struck out subsec. (g) which read as follows: “The summary court-martial shall make a full report of the transactions under this section, with respect to the deceased, to the Department of the Air Force for transmission to the General Accounting Office for action authorized in the settlement of accounts of deceased members of the Air Force.”

1990—Subsec. (a)(2). Pub. L. 101-510, § 1533(a)(9)(A), substituted “a resident of the Armed Forces Retirement Home” for “an inmate of the United States Soldiers' and Airmen's Home”.

Subsec. (f). Pub. L. 101-510, § 1533(a)(9)(B), struck out “for transmission to the United States Soldiers' and Airmen's Home” after “Department of the Air Force” and inserted at end “The Secretary of the Air Force shall deliver to the Armed Forces Retirement Home all items received by the executive part of the Department of the Air Force under this subsection.”

1985—Subsec. (d). Pub. L. 99-145 substituted pars. (1) to (6) for former pars. (1) to (9) which read as follows:

“(1) Surviving spouse or legal representative.

“(2) Son.

“(3) Daughter.

“(4) Father, if he has not abandoned the support of his family.

“(5) Mother.

“(6) Brother.

“(7) Sister.

“(8) Next of kin.

“(9) Beneficiary named in the will of the deceased.”

1980—Subsecs. (a)(2), (f). Pub. L. 96-513 substituted “United States Soldiers' and Airmen's Home” for “Soldiers' Home”.

1966—Subsec. (a)(1). Pub. L. 89-718 substituted “military law” for “the court-martial jurisdiction of the Air Force or the Army”.

## EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101-510 effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101-510, for-

merly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### [§ 9713. Repealed. Pub. L. 101-510, div. A, title XV, § 1533(a)(10)(A), Nov. 5, 1990, 104 Stat. 1735]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 586; Dec. 12, 1980, Pub. L. 96-513, title V, § 514(20)(A), (B), 94 Stat. 2936; Nov. 8, 1985, Pub. L. 99-145, title XIII, § 1301(d)(4)(B), 99 Stat. 737; Nov. 29, 1989, Pub. L. 101-189, div. A, title XVI, § 1621(a)(1), 103 Stat. 1602, related to disposition of effects of deceased persons by Soldiers' and Airmen's Home.

#### EFFECTIVE DATE OF REPEAL

Repeal effective one year after Nov. 5, 1990, see section 1541 of Pub. L. 101-510, formerly set out as an Effective Date note under section 401 of Title 24, Hospitals and Asylums.

### CHAPTER 947—TRANSPORTATION

Sec.

[9741 to 9748. Repealed.]

#### AMENDMENTS

2004—Pub. L. 108-375, div. A, title X, § 1072(d)(3), Oct. 28, 2004, 118 Stat. 2058, struck out items 9741 “Control and supervision”, 9743 “Officers: use of transportation”, and 9746 “Civilian personnel in Alaska”.

1996—Pub. L. 104-201, div. A, title IX, § 906(d)(3), Sept. 23, 1996, 110 Stat. 2620, struck out item 9742 “Control of transportation systems in time of war”.

1962—Pub. L. 87-651, title I, § 129(2), Sept. 7, 1962, 76 Stat. 514, struck out item 9748 “Motor vehicles: for members on permanent change of station”.

#### [§ 9741. Repealed. Pub. L. 108-375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 587, related to control and supervision of transportation of members, munitions of war, equipment, military property, and stores of the Air Force.

#### [§ 9742. Repealed. Pub. L. 104-201, div. A, title IX, § 906(c), Sept. 23, 1996, 110 Stat. 2620]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 587, authorized President, through Secretary of the Air Force, to assume control of any transportation system in time of war. See section 2644 of this title.

#### [§ 9743. Repealed. Pub. L. 108-375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 587, related to use of transportation by officers of the Air Force.

#### [§ 9746. Repealed. Pub. L. 108-375, div. A, title X, § 1072(c), Oct. 28, 2004, 118 Stat. 2058]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 587; Pub. L. 98-443, § 9(k), Oct. 4, 1984, 98 Stat. 1708, related to civilian personnel in Alaska.

#### [§ 9748. Repealed. Pub. L. 87-651, title I, § 129(1), Sept. 7, 1962, 76 Stat. 514]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 588, related to transportation of motor vehicles for members on permanent change of station, and is now covered by section 2634 of this title.

### CHAPTER 949—REAL PROPERTY

Sec.

9771. Acceptance of donations: land for mobilization, training, supply base, or aviation field.

[9772. Repealed.]

9773. Acquisition and construction: air bases and depots.

[9774, 9775. Repealed.]

9776. Emergency construction: fortifications.

9777. Permits: military reservations; landing ferries, erecting bridges, driving livestock.

9778. Licenses: military reservations; erection and use of buildings; Young Men's Christian Association.

9779. Use of public property.

9780. Acquisition of buildings in District of Columbia.

9781. Disposition of real property at missile sites.

9782. Maintenance and repair of real property.

9783. Johnston Atoll: reimbursement for support provided to civil air carriers.

#### AMENDMENTS

2000—Pub. L. 106-398, § 1 [[div. A], title III, § 383(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-86, added item 9783.

1997—Pub. L. 105-85, div. A, title II, § 242(b), Nov. 18, 1997, 111 Stat. 1667, added item 9782.

1987—Pub. L. 100-180, div. B, subdiv. 3, title II, § 2325(b), Dec. 4, 1987, 101 Stat. 1221, added item 9781.

1982—Pub. L. 97-214, § 10(a)(9)(B), July 12, 1982, 96 Stat. 175, struck out item 9774 “Construction: limitations”.

1980—Pub. L. 96-513, title V, § 514(21), Dec. 12, 1980, 94 Stat. 2936, struck out item 9772 “Reservation and use for air base or testing field”.

1973—Pub. L. 93-166, title V, § 509(e), Nov. 29, 1973, 87 Stat. 678, substituted “Construction: limitations” for “Construction of quarters: limitations on space and cost” in item 9774.

1971—Pub. L. 92-145, title V, § 509(b), Oct. 27, 1971, 85 Stat. 408, struck out item 9775 “Quarters: officers”.

1958—Pub. L. 85-861, § 1(203)(B), Sept. 2, 1958, 72 Stat. 1542, added item 9780.

#### § 9771. Acceptance of donations: land for mobilization, training, supply base, or aviation field

The Secretary of the Air Force may accept for the United States a gift of—

(1) land that he considers suitable and desirable for a permanent mobilization, training, or supply base; and

(2) land that he considers suitable and desirable for an aviation field, if the gift is from a citizen of the United States and its terms authorize the use of the property by the United States for any purpose.

(Aug. 10, 1956, ch. 1041, 70A Stat. 588.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9771 .....	10:1342. 10:1344.	Aug. 29, 1916, ch. 418 (6th and 8th pars. under “Office of the Chief Signal Officer”), 39 Stat. 622, 623.

10:1344 (last 40 words) is omitted as executed. The words “tract or tracts”, in 10:1342 and 1344, are omitted as surplusage. The words “and remount station”, in 10:1342, are omitted, since the property and civilian personnel of the Remount Service of the Quartermaster Corps were transferred to the Department of Agriculture by the Act of April 21, 1948, ch. 224, 62 Stat. 197 (7 U.S.C. 436-438). The words “by the United States for



any purpose” are substituted for the words “for any other service of the United States which may hereafter appear desirable”, in 10:1342. The words “from any person”, in 10:1344, are omitted as surplusage.

**[§ 9772. Repealed. Pub. L. 94-579, title VII, § 704(a), Oct 21, 1976, 90 Stat. 2792]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 588, authorized unappropriated public land or other property of United States to be reserved or used for air bases or testing fields.

**EFFECTIVE DATE OF REPEAL**

Section 704(a) of Pub. L. 94-579 provided that this section is repealed effective on and after Oct. 21, 1976.

**SAVINGS PROVISION**

Repeal by Pub. L. 94-579 not to be construed as terminating any valid lease, permit, patent, etc., existing on Oct. 21, 1976, see note under section 1701 of Title 43, Public Lands.

**§ 9773. Acquisition and construction: air bases and depots**

(a) The Secretary of the Air Force shall determine the sites of such additional permanent air bases and depots in all strategic areas of the United States and the Commonwealths, possessions, and holdings as he considers necessary. He shall determine when the enlargement of existing air bases and depots is necessary for the effective peacetime training of the Air Force.

(b) In determining the sites of new air bases and depots, the Secretary shall consider the following regions for the purposes indicated—

(1) the Atlantic northeast, for training in cold weather and in fog;

(2) the Atlantic southeast and Caribbean areas, for training in long-range operations, especially those incident to reinforcing the defenses of the Panama Canal;

(3) the southeastern United States, to provide a depot necessary to maintain the Air Force;

(4) the Pacific northwest, to establish and maintain air communication with Alaska;

(5) Alaska, for training under conditions of extreme cold;

(6) the Rocky Mountain area, to provide a depot necessary to maintain the Air Force, and for training in operations from fields in high altitudes; and

(7) other regions, for the establishment of intermediate air bases to provide for transcontinental movements of the Air Force for maneuvers.

(c) In selecting sites for air bases and depots covered by this section and in determining the alteration or enlargement of existing air bases or depots, the Secretary shall consider the need—

(1) to form the nucleus for concentration of Air Force units in time of war;

(2) to permit, in time of peace, training and effective planning in each strategic area for the use and expansion of commercial, municipal, and private flying installations in time of war;

(3) to locate, in each strategic area in which it is considered necessary, adequate storage facilities for munitions and other articles nec-

essary to facilitate the movement, concentration, maintenance, and operation of the Air Force; and

(4) to afford the maximum warning against surprise attack by enemy aircraft upon aviation of the United States and its necessary installations consistent with maintaining, in connection with existing or contemplated landing fields, the full power of the Air Force for operations necessary in the defense of the United States, and in the defense and reinforcement of the Commonwealths, possessions, and holdings.

(d) In carrying out this section, the Secretary, on behalf of the United States, may acquire title, in fee simple and free of encumbrance, to any land that he considers necessary—

(1) by accepting title without cost to the United States;

(2) by exchanging military reservations or parts thereof for that land, upon the written approval of the President; or

(3) by purchase or condemnation, if acquisition by gift or exchange is impracticable.

(e) The Secretary may, by purchase, gift, lease, or otherwise, acquire at desired locations bombing and machine gun ranges necessary for practice by, and the training of, tactical units.

(f) At each air base or depot established under this section, the Secretary shall remove or remodel existing structures as necessary; do necessary grading; and provide buildings, utilities, communication systems, landing fields and mats, roads, walks, aprons, docks, runways, facilities for the storage and distribution of ammunition, fuel, oil, necessary protection against bombs, and all appurtenances to the foregoing.

(g) The Secretary may direct the transportation of personnel, and the purchase, renovation, and transportation of material, that he considers necessary to carry out this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 588; Pub. L. 109-163, div. A, title X, §1057(a)(3), Jan. 6, 2006, 119 Stat. 3440.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9773(a) .....	10:1343a (1st sentence).	Aug. 12, 1935, ch. 511, §§ 1-3, 49 Stat. 610.
9773(b) .....	10:1343a (2d sentence).	
9773(c) .....	10:1343a (less 1st and 2d sentences).	
9773(d) .....	10:1343b.	
9773(e) .....	10:1343c (last sentence).	
9773(f) .....	10:1343c (1st sentence).	
9773(g) .....	10:1343c (2d sentence).	

In subsection (a), the word “shall” is substituted for the words “is authorized and directed to”. The words “Territories, Commonwealths,” are substituted for the word “Alaska” to make it clear that the section covers all territory of the United States. The words “Air Force” are substituted for the words “General Headquarters Air Force and the Air Corps components of our overseas garrisons”.

In subsection (b), the words “to provide”, “to permit”, “in addition”, and “incident to the concentration of” are omitted as surplusage.

In subsection (c), the introductory clause is substituted for 10:1343a (1st 41 words of 3d sentence). The words “to locate” are substituted for the words “there shall be provided”. The words “aviation of the United States” are substituted for the words “our own aviation”. The words, “Territories, Commonwealths,” are

inserted to conform to subsection (a). The words “The stations shall be suitably located”, “of the set-up”, “by responsible personnel”, “there shall be provided”, “General Headquarters”, “in peace and war”, “such close and distant \* \* \* over land and sea”, and “The stations and depots shall be located with a view”, and 10:1343a (4th clause of 3d sentence) are omitted as surplusage.

In subsection (d), clause (3) is substituted for 10: 1343b (last 26 words). 10:1043b (24 words before 1st proviso) is omitted as surplusage.

In subsection (f), the word “shall” is substituted for the words “is further authorized and directed to”. The word “provide” is substituted for the words “construct, install, and equip, or complete the construction, installation, and equipment”. The words “technical buildings and utilities” are omitted as covered by the words “buildings” and “utilities”. The words “sewer, water, power, station and aerodrome lighting” are omitted as covered by the word “utilities”. The words “communication systems” are substituted for the words “telephone and signal communications”. The words “appurtenances to the foregoing” are substituted for the words “other essentials”.

## AMENDMENTS

2006—Subsecs. (a), (c)(4). Pub. L. 109-163 struck out “Territories,” before “Commonwealths, possessions,”.

**[§ 9774. Repealed. Pub. L. 97-214, § 7(1), July 12, 1982, 96 Stat. 173]**

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 590; Aug. 30, 1957, Pub. L. 85-241, title IV, § 404(c), 71 Stat. 556; Aug. 10, 1959, Pub. L. 86-149, title IV, § 410(c), 73 Stat. 322; July 27, 1962, Pub. L. 87-554, title V, § 504(a), (c), 76 Stat. 239; Nov. 7, 1963, Pub. L. 88-174, title V, § 503, 77 Stat. 325; Dec. 5, 1969, Pub. L. 91-142, title V, § 510(b), 83 Stat. 312; Oct. 27, 1971, Pub. L. 92-145, title V, § 508(a), (c), 85 Stat. 408; Nov. 29, 1973, Pub. L. 93-166, title V, § 509(e), 87 Stat. 678, related to limitations on construction.

## EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1982, and applicable to military construction projects, and to construction and acquisition of military family housing authorized before, on, or after such date, see section 12(a) of Pub. L. 97-214, set out as an Effective Date note under section 2801 of this title.

**[§ 9775. Repealed. Pub. L. 92-145, title V, § 509(b), Oct. 27, 1971, 85 Stat. 408]**

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 590, authorized assignment of quarters belonging to United States at an air base or other Air Force installation to officers, grade lieutenant general down to second lieutenant, 10 to 2 rooms, respectively, and prohibited other assignment where quarters existed.

**§ 9776. Emergency construction: fortifications**

If in an emergency the President considers it urgent, a temporary air base or fortification may be built on private land if the owner consents in writing.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 91-393, § 5, Sept. 1, 1970, 84 Stat. 835.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9776 .....	50:178.	Apr. 11, 1898, J. Res. 21, 30 Stat. 737.

The word “important” is omitted as covered by the word “urgent”. The words “upon which such work is to be placed” are omitted as surplusage.

## AMENDMENTS

1970—Pub. L. 91-393 struck out “In such a case, section 175 of title 50 does not apply.”

**§ 9777. Permits: military reservations; landing ferries, erecting bridges, driving livestock**

Whenever the Secretary of the Air Force considers that it can be done without injury to the reservation or inconvenience to the military forces stationed there, he may permit—

- (1) the landing of ferries at a military reservation;
- (2) the erection of bridges on a military reservation; and
- (3) the driving of livestock across a military reservation.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9777 .....	10:1348.	July 5, 1884, ch. 214, § 6, 23 Stat. 104.

The words “may permit” are substituted for the words “shall have authority, in his discretion, to permit”. The words “to permit the extension of State, county, and Territorial roads across military reservations” are omitted as superseded by section 2668 of this title. In clause (3), the word “livestock” is substituted for the words “cattle, sheep or other stock animals”.

**§ 9778. Licenses: military reservations; erection and use of buildings; Young Men’s Christian Association**

Under such conditions as he may prescribe, the Secretary of the Air Force may issue a revocable license to the International Committee of Young Men’s Christian Associations of North America to erect and maintain, on military reservations within the United States and the Commonwealths and possessions, buildings needed by that organization for the promotion of the social, physical, intellectual, and moral welfare of the members of the Air Force on those reservations.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 109-163, div. A, title X, § 1057(a)(6), Jan. 6, 2006, 119 Stat. 3441.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9778 .....	10:1346.	May 31, 1902, ch. 943, 32 Stat. 282.

The words “may issue” are substituted for the words “Authority is given to \* \* \* in his discretion, to grant permission”. The words “Under such conditions as he may prescribe” are substituted for the words “under such regulations as the Secretary of the Army may impose”. The words “members of the Air Force” are substituted for the word “garrisons”. The words “the Territories, Commonwealths, and possessions” are substituted for the words “or its island possessions”, for clarity.

## AMENDMENTS

2006—Pub. L. 109-163 substituted “Commonwealths and possessions” for “Territories, Commonwealths, and possessions”.

**§ 9779. Use of public property**

(a) When the economy of the Air Force so requires, the Secretary of the Air Force shall establish military headquarters in places where suitable buildings are owned by the United States.

(b) No money appropriated for the support of the Air Force may be spent for base gardens or Air Force exchanges. However, this does not prevent Air Force exchanges from using public buildings or public transportation that, in the opinion of the Secretary, are not needed for other purposes.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 99-661, div. B, title VII, §2721, Nov. 14, 1986, 100 Stat. 4042.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9779(a) .....	10:1332.	June 23, 1879, ch. 35, §8, 21 Stat. 35.
9779(b) .....	10:1345.	Aug. 1, 1914, ch. 223 (2d par. under "Quartermaster Corps"), 38 Stat. 629.
9779(c) .....	10:1335.	July 16, 1892, ch. 195 (last proviso under "Quartermaster's Department"), 27 Stat. 178; June 28, 1950, ch. 383, §402(c), 64 Stat. 272.

In subsection (a), the words "United States" are substituted for the word "Government".

In subsection (b), the words "suitable space" are substituted for the words "proper and suitable room or rooms". The words "there is a" are substituted for the words "have been established".

In subsection (c), the words "the Secretary" are substituted for the words "the Quartermaster General", since the functions which, for the Army, are assigned by statute to subordinate officers of the Army, are, for the Air Force, assigned to the Secretary.

## AMENDMENTS

1986—Subsecs. (b), (c). Pub. L. 99-661 redesignated subsec. (c) as (b) and struck out former subsec. (b) which directed the Secretary to assign suitable space for postal purposes at each air base where there was a post office.

**§ 9780. Acquisition of buildings in District of Columbia**

(a) In time of war or when war is imminent, the Secretary of the Air Force may acquire by lease any building, or part of a building, in the District of Columbia that may be needed for military purposes.

(b) At any time, the Secretary may, for the purposes of the Department of the Air Force, requisition the use and take possession of any building or space in any building, and its appurtenances, in the District of Columbia, other than—

- (1) a dwelling house occupied as such;
- (2) a building occupied by any other agency of the United States; or
- (3) space in such a dwelling house or building.

The Secretary shall determine, and pay out of funds appropriated for the payment of rent by the Department of the Air Force, just compensation for that use. If the amount of the compensation is not satisfactory to the person enti-

tled to it, the Secretary shall pay 75 percent of it to that person, and the claimant is entitled to recover by action against the United States an additional amount that, when added to the amount paid by the Secretary, is determined by the court to be just compensation for that use.

(Added Pub. L. 85-861, §1(203)(A), Sept. 2, 1958, 72 Stat. 1542.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9780(a) .....	40:37.	July 9, 1918, ch. 143 (3d proviso under "Baracks and Quarters"), 40 Stat. 861.
9780(b) .....	40:41.	July 8, 1918, ch. 139 (2d par. under "War Department"), 40 Stat. 826.

In subsection (a), the words "may acquire by lease" are substituted for the words "is authorized, in his discretion, to rent or lease". The word "needed" is substituted for the word "required".

In subsection (b), the words "At any time" are inserted for clarity. The word "may" is substituted for the words "is authorized". The word "agency" is substituted for the word "branch". Clause (3) is inserted for clarity. The word "determine" is substituted for the word "ascertain". The words "out of funds appropriated for the payment of rent by" are substituted for the words "within the limits of the appropriations for rent made by any act making appropriations for". The word "is" is substituted for the word "be". The words "so ascertained" and "in the manner provided by sections 41(20) and 250 of Title 28" are omitted as surplusage, since those sections were repealed in 1948 and replaced by sections 1346, 1491, 1496, 1501, 1503, 2401, 2402, and 2501 of that title.

**§ 9781. Disposition of real property at missile sites**

(a)(1) The Administrator of General Services shall dispose of the interest of the United States in any tract of real property described in paragraph (2) or in any easement held in connection with any such tract of real property only as provided in this section.

(2) The real property referred to in paragraph (1) is any tract of land (including improvements thereon) owned by the Air Force that—

(A) is not required for the needs of the Air Force and the discharge of the responsibilities of the Air Force, as determined by the Secretary of the Air Force;

(B) does not exceed 25 acres;

(C) was used by the Air Force as a site for one or more missile launch facilities, missile launch control buildings, or other facilities to support missile launch operations; and

(D) is surrounded by lands that are adjacent to such tract and that—

(i) are owned in fee simple by one owner, either individually or by more than one person jointly, in common, or by the entirety; or

(ii) are owned separately by two or more owners.

(b)(1)(A) Whenever the interest of the United States in a tract of real property or easement referred to in subsection (a) is available for disposition under this section, the Administrator shall transmit a notice of the availability of the

real property or easement to each person described in subsection (a)(2)(D)(i) who owns lands adjacent to that real property or easement.

(B) The Administrator shall convey, for fair market value, the interest of the United States in a tract of land referred to in subsection (a), or in any easement in connection with such a tract of land, to any person or persons described in subsection (a)(2)(D)(i) who, with respect to such land, are ready, willing, and able to purchase such interest for the fair market value of such interest.

(2)(A) In the case of a tract of real property referred to in subsection (a) that is surrounded by adjacent lands that are owned separately by two or more owners, the Administrator shall dispose of that tract of real property in accordance with this paragraph. In disposing of the real property, the Administrator shall satisfy the requirements specified in paragraph (1) regarding notice to owners, sale at fair market value, and the determination of the qualifications of the purchaser.

(B) The Administrator shall dispose of such a tract of real property through a sealed bid competitive sale. The Administrator shall afford an opportunity to compete to acquire the interest of the United States in the real property to all of the persons described in subsection (a)(2)(D)(ii) who own lands adjacent to that real property. The Administrator shall restrict to these persons the opportunity to compete in the sealed bid competitive sale.

(C) Subject to subparagraph (D), the Administrator shall convey the interest of the United States in the tract of real property to the highest bidder.

(D) If all of the bids received by the Administrator in the sealed bid competitive sale of the tract of real property are less than the fair market value of the real property, the Administrator shall dispose of the real property in accordance with the provisions of chapter 5 of title 40.

(c) The Administrator shall determine the fair market value of the interest of the United States to be conveyed under this section.

(d) The requirement to determine whether any tract of land described in subsection (a)(2) is excess property or surplus property under chapter 5 of title 40 before disposing of such tract shall not be applicable to the disposition of such tract under this section.

(e) The disposition of a tract of land under this section to any person shall be subject to (1) any easement retained by the Secretary of the Air Force with respect to such tract, and (2) such additional terms and conditions as the Administrator considers necessary or appropriate to protect the interests of the United States.

(f) The exact acreage and legal description of any tract of land to be conveyed under this section shall be determined in any manner that is satisfactory to the Administrator. The cost of any survey conducted for the purpose of this subsection in the case of any tract of land shall be borne by the person or persons to whom the conveyance of such tract of land is made.

(g) If any real property interest of the United States described in subsection (a) is not purchased under the procedures provided in sub-

sections (a) through (f), such tract may be disposed of only in accordance with subtitle I of title 40 and division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41.

(Added Pub. L. 100-180, div. B, subdiv. 3, title II, § 2325(a), Dec. 4, 1987, 101 Stat. 1220; amended Pub. L. 103-160, div. B, title XXVIII, § 2851, Nov. 30, 1993, 107 Stat. 1906; Pub. L. 107-217, § 3(b)(40), Aug. 21, 2002, 116 Stat. 1298; Pub. L. 108-178, § 4(b)(7), Dec. 15, 2003, 117 Stat. 2641; Pub. L. 111-350, § 5(b)(55), Jan. 4, 2011, 124 Stat. 3847.)

#### AMENDMENTS

2011—Subsec. (g). Pub. L. 111-350 substituted “division C (except sections 3302, 3501(b), 3509, 3906, 4710, and 4711) of subtitle I of title 41” for “title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.)”.

2003—Subsec. (g). Pub. L. 108-178 substituted “title III of the Federal Property and Administrative Services Act of 1949” for “subtitle III of the Federal Property and Administrative Services Act of 1949” and made technical correction to reference to (41 U.S.C. 251 et seq.).

2002—Subsec. (b)(2)(D). Pub. L. 107-217, § 3(b)(40)(A), substituted “chapter 5 of title 40” for “title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)”.

Subsec. (d). Pub. L. 107-217, § 3(b)(40)(B), substituted “chapter 5 of title 40” for “title II of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 481 et seq.)”.

Subsec. (g). Pub. L. 107-217, § 3(b)(40)(C), inserted “subtitle I of title 40 and subtitle III of” before “the Federal Property and Administrative Services Act of 1949” and “(41 U.S.C. 251 et seq.)” at end.

1993—Subsec. (a)(1). Pub. L. 103-160, § 2851(a)(1), substituted “Administrator of General Services” for “Secretary of the Air Force”.

Subsec. (a)(2)(D). Pub. L. 103-160, § 2851(b), added subpar. (D) and struck out former subpar. (D) which read as follows: “is surrounded by lands that are adjacent to such tract and that are owned in fee simple by one owner or by more than one owner jointly, in common, or by the entirety.”

Subsec. (b). Pub. L. 103-160, § 2851(c), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “The Secretary shall convey, for fair market value, the interest of the United States in any tract of land referred to in subsection (a) or in any easement in connection with any such tract of land to any person or persons who, with respect to such tract of land, own lands referred to in paragraph (2)(D) of such subsection and are ready, willing, and able to purchase such interest for the fair market value of such interest. Whenever such interest of the United States is available for purchase under this section, the Secretary shall transmit a notice of the availability of such interest to each such person.”

Subsec. (c). Pub. L. 103-160, § 2851(a)(2), substituted “Administrator” for “Secretary”.

Subsec. (e). Pub. L. 103-160, § 2851(a)(3), substituted “Secretary of the Air Force with respect to such tract, and (2) such additional terms and conditions as the Administrator” for “Secretary with respect to such tract, and (2) such additional terms and conditions as the Secretary”.

Subsec. (f). Pub. L. 103-160, § 2851(a)(4), substituted “Administrator” for “Secretary”.

#### EFFECTIVE DATE OF 2003 AMENDMENT

Amendment by Pub. L. 108-178 effective Aug. 21, 2002, see section 5 of Pub. L. 108-178, set out as a note under section 5334 of Title 5, Government Organization and Employees.

**§ 9782. Maintenance and repair of real property**

(a) **ALLOCATION OF FUNDS.**—The Secretary of the Air Force shall allocate funds authorized to be appropriated by a provision described in subsection (c) and a provision described in subsection (d) for maintenance and repair of real property at military installations of the Department of the Air Force without regard to whether the installation is supported with funds authorized by a provision described in subsection (c) or (d).

(b) **MIXING OF FUNDS PROHIBITED ON INDIVIDUAL PROJECTS.**—The Secretary of the Air Force may not combine funds authorized to be appropriated by a provision described in subsection (c) and funds authorized to be appropriated by a provision described in subsection (d) for an individual project for maintenance and repair of real property at a military installation of the Department of the Air Force.

(c) **RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS.**—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for research, development, test, and evaluation.

(d) **OPERATION AND MAINTENANCE FUNDS.**—The provision described in this subsection is a provision of a national defense authorization Act that authorizes funds to be appropriated for a fiscal year to the Air Force for operation and maintenance.

(Added Pub. L. 105–85, div. A, title II, §242(a), Nov. 18, 1997, 111 Stat. 1666.)

**§ 9783. Johnston Atoll: reimbursement for support provided to civil air carriers**

(a) **AUTHORITY OF THE SECRETARY.**—The Secretary of the Air Force may, under regulations prescribed by the Secretary, require payment by a civil air carrier for support provided by the United States to the carrier at Johnston Atoll that is either—

- (1) requested by the civil air carrier; or
- (2) determined under the regulations as being necessary to accommodate the civil air carrier's use of Johnston Atoll.

(b) **AMOUNT OF CHARGES.**—Any amount charged an air carrier under subsection (a) for support shall be equal to the total amount of the actual costs to the United States of providing the support. The amount charged may not include any amount for an item of support that does not satisfy a condition described in paragraph (1) or (2) of subsection (a).

(c) **RELATIONSHIP TO LANDING FEES.**—No landing fee shall be charged an air carrier for a landing of an aircraft of the air carrier at Johnston Atoll if the air carrier is charged under subsection (a) for support provided to the air carrier.

(d) **DISPOSITION OF PAYMENTS.**—(1) Amounts collected from an air carrier under this section shall be credited to appropriations available for the fiscal year in which collected, as follows:

(A) For support provided by the Air Force, to appropriations available for the Air Force for operation and maintenance.

(B) For support provided by the Army, to appropriations available for the Army for chemical demilitarization.

(2) Amounts credited to an appropriation under paragraph (1) shall be merged with funds in that appropriation and shall be available, without further appropriation, for the purposes and period for which the appropriation is available.

(e) **DEFINITIONS.**—In this section:

(1) The term “civil air carrier” means an air carrier (as defined in section 40102(a)(2) of title 49) that is issued a certificate of public convenience and necessity under section 41102 of such title.

(2) The term “support” includes fuel, fire rescue, use of facilities, improvements necessary to accommodate use by civil air carriers, police, safety, housing, food, air traffic control, suspension of military operations on the island (including operations at the Johnston Atoll Chemical Agent Demilitarization System), repairs, and any other construction, services, or supplies.

(Added Pub. L. 106–398, §1 [[div. A], title III, §383(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A–86; amended Pub. L. 107–107, div. A, title X, §1048(a)(30), Dec. 28, 2001, 115 Stat. 1225.)

**AMENDMENTS**

2001—Subsec. (e)(1). Pub. L. 107–107 substituted “40102(a)(2)” for “40101(a)(2)”.

**CHAPTER 951—MILITARY CLAIMS**

Sec.

9801. Definition.

9802. Admiralty claims against the United States.

9803. Admiralty claims by United States.

9804. Salvage claims by United States.

[9805. Repealed.]

9806. Settlement or compromise: final and conclusive.

**AMENDMENTS**

1972—Pub. L. 92–417, §1(7), Aug. 29, 1972, 86 Stat. 655, substituted “Admiralty claims against the United States” for “Damage by United States vessels; towage and salvage of United States vessels” in item 9802.

1960—Pub. L. 86–533, §1(7)(B), June 29, 1960, 74 Stat. 247, struck out item 9805 “Reports to Congress”.

**§ 9801. Definition**

In this chapter, the term “settle” means consider, ascertain, adjust, determine, and dispose of a claim, whether by full or partial allowance or by disallowance.

(Aug. 10, 1956, ch. 1041, 70A Stat. 591; Pub. L. 100–180, div. A, title XII, §1231(19)(B), Dec. 4, 1987, 101 Stat. 1161.)

**HISTORICAL AND REVISION NOTES**

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9801 .....	[No source].	[No source].

The revised section is inserted for clarity, and is based on usage in the source laws for this revised chapter.

**AMENDMENTS**

1987—Pub. L. 100–180 inserted “the term” after “In this chapter,”.

### § 9802. Admiralty claims against the United States

(a) The Secretary of the Air Force may settle or compromise an admiralty claim against the United States for—

(1) damage caused by a vessel of, or in the service of, the Department of the Air Force or by other property under the jurisdiction of the Department of the Air Force;

(2) compensation for towage and salvage service, including contract salvage, rendered to a vessel of, or in the service of, the Department of the Air Force or to other property under the jurisdiction of the Department of the Air Force; or

(3) damage caused by a maritime tort committed by any agent or employee of the Department of the Air Force or by property under the jurisdiction of the Department of the Air Force.

(b) If a claim under subsection (a) is settled or compromised for \$500,000 or less, the Secretary of the Air Force may pay it. If it is settled or compromised for more than \$500,000, he shall certify it to Congress.

(c) In any case where the amount to be paid is not more than \$100,000, the Secretary of the Air Force may delegate his authority under subsection (a) to any person in the Department of the Air Force designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 592; Pub. L. 89-67, July 7, 1965, 79 Stat. 212; Pub. L. 92-417, §1(6), Aug. 29, 1972, 86 Stat. 655; Pub. L. 101-189, div. A, title XVI, §1633, Nov. 29, 1989, 103 Stat. 1608.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9802(a) .....	10:1861 (less 35 words before 1st proviso, and less last proviso).	Oct. 20, 1951, ch. 524, §1 (less 35 words before 1st proviso), 6 (as applicable to §1), 65 Stat. 572, 573.
9802(b) .....	10:1861 (last proviso).	
9802(c) .....	10:1866 (as applicable to 10:1861).	

In subsection (a), the words “consider, ascertain, adjust, determine, compromise” are omitted as covered by the word “settle”, as defined in section 9801 of this title. 10:1861 (1st proviso) is omitted as unnecessary, since other applicable claims laws are restated in this title. 10:1861 (2d proviso) is omitted as surplusage.

#### AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “\$100,000” for “\$10,000”.

1972—Subsec. (a). Pub. L. 92-417 substituted “Admiralty claims against the United States” for “Damage by United States vessels, towage and salvage of United States vessels” in section catchline, in text preceding par. (1), struck out requirement that the Secretary of the Air Force discharge his functions under the direction of the Secretary of Defense, in par. (1), inserted “or by other property under the jurisdiction of the Department of the Air Force”, in par. (2), inserted “or to other property under the jurisdiction of the Department of the Air Force”, and added par. (3).

1965—Subsec. (c). Pub. L. 89-67 substituted “\$10,000” for “\$1,000”.

### § 9803. Admiralty claims by United States

(a) Under the direction of the Secretary of Defense, the Secretary of the Air Force may settle,

or compromise, and receive payment of a claim by the United States for damage to property under the jurisdiction of the Department of the Air Force or property for which the Department has assumed an obligation to respond for damage, if—

(1) the claim is—

(A) of a kind that is within the admiralty jurisdiction of a district court of the United States; or

(B) for damage caused by a vessel or floating object; and

(2) the amount to be received by the United States is not more than \$500,000.

(b) In exchange for payment of an amount found to be due the United States under subsection (a), the Secretary of the Air Force may execute a release of the claim on behalf of the United States. Amounts received under this section shall be covered into the Treasury.

(c) In any case where the amount to be received by the United States is not more than \$100,000, the Secretary of the Air Force may delegate his authority under subsections (a) and (b) to any person in the Department of the Air Force designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 592; Pub. L. 89-67, July 7, 1965, 79 Stat. 212; Pub. L. 101-189, div. A, title XVI, §1633, Nov. 29, 1989, 103 Stat. 1608.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9803(a) .....	10:1862 (1st sentence; 2d sentence, less last 32 words; and provisos of last sentence).	Oct. 20, 1951, ch. 524, §2 (less last 32 words of 2d sentence), 6 (less applicability to §1), 65 Stat. 572, 573.
9803(b) .....	10:1862 (3d sentence; and last sentence, less provisos).	
9803(c) .....	10:1866 (less applicability to 10:1861).	

In subsection (a), the words “consider, ascertain, adjust, determine” are omitted as covered by the word “settle”, as defined in section 9801 of this title. The words “receive payment” are substituted for 10:1862 (2d sentence, less last 32 words). The words “of a kind that is within the admiralty jurisdiction” are substituted for the words “cognizable in admiralty”. Clause (2) is substituted for 10:1862 (last proviso of last sentence). 10:1862 (1st proviso of last sentence) is omitted as unnecessary, since other applicable claims laws are restated in this title. The words “by contract or otherwise” are omitted as surplusage.

In subsection (b), the words “of the United States as miscellaneous receipts” and “to deliver” are omitted as surplusage.

#### AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “\$100,000” for “\$10,000”.

1965—Subsec. (c). Pub. L. 89-67 substituted “\$10,000” for “\$1,000”.

### § 9804. Salvage claims by United States

(a) The Secretary of the Air Force may settle, or compromise, and receive payment of a claim by the United States for salvage services performed by the Department of the Air Force. Amounts received under this section shall be covered into the Treasury.

(b) In any case where the amount to be received by the United States is not more than

\$10,000, the Secretary of the Air Force may delegate his authority under subsection (a) to any person designated by him.

(Aug. 10, 1956, ch. 1041, 70A Stat. 592; Pub. L. 92-417, § 1(8), Aug. 29, 1972, 86 Stat. 655.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9804 .....	10:1863.	Oct. 20, 1951, ch. 524, § 3, 65 Stat. 573.

The words “under this section” are substituted for the words “for salvage services rendered”. The words “consider, ascertain, adjust, determine” are omitted as covered by the word “settle”, as defined in section 9801 of this title. The words “and receive payment of” are inserted for clarity and to conform to section 9803 of this title. The words “as miscellaneous receipts” are omitted as surplusage.

#### AMENDMENTS

1972—Pub. L. 92-417 designated existing provisions as subsec. (a), and in subsec. (a) as so designated, eliminated the requirement that the Secretary of the Air Force discharge his functions under the direction of the Secretary of Defense, and added subsec. (b).

#### [§ 9805. Repealed. Pub. L. 86-533, § 1(7)(A), June 29, 1960, 74 Stat. 246]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 592, related to reports to Congress with respect to claims under sections 9802, 9803, and 9804 of this title.

#### § 9806. Settlement or compromise: final and conclusive

Notwithstanding any other provision of law, upon acceptance of payment the settlement or compromise of a claim under section 9802 or 9803 of this title is final and conclusive.

(Aug. 10, 1956, ch. 1041, 70A Stat. 593.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9806 .....	10:861 (35 words before 1st proviso). 10:862 (last 32 words of 2d sentence).	Oct. 20, 1951, ch. 524, § 1 (35 words before 1st proviso), 2 (last 32 words of 2d sentence), 65 Stat. 572, 573.

The words “for all purposes” and “to the contrary”, in 10:1861 and 1862; “by the claimant and not until then”, in 10:1861; and “but not until then”, in 10:1862; are omitted as surplusage.

### CHAPTER 953—ACCOUNTABILITY AND RESPONSIBILITY

Sec.	
9831.	Custody of departmental records and property.
[9832, 9833, 9835, 9836. Repealed.]	
9837.	Settlement of accounts: remission or cancellation of indebtedness of members.
9838.	Settlement of accounts: affidavit of squadron commander.
9839.	Settlement of accounts: oaths.
9840.	Final settlement of officer's accounts.
9841.	Payment of small amounts to public creditors.
9842.	Settlement of accounts of line officers.

#### AMENDMENTS

2008—Pub. L. 110-181, div. A, title III, § 375(c)(2)(B), Jan. 28, 2008, 122 Stat. 84, struck out items 9832 “Prop-

erty accountability: regulations” and 9836 “Individual equipment: unauthorized disposition”.

2006—Pub. L. 109-163, div. A, title VI, § 683(c)(2), (3), Jan. 6, 2006, 119 Stat. 3324, struck out “enlisted” before “members” in item 9837.

2002—Pub. L. 107-314, div. A, title X, § 1006(c)(2), Dec. 2, 2002, 116 Stat. 2633, struck out item 9835 “Reports of survey”.

1982—Pub. L. 97-258, § 2(b)(14)(A), Sept. 13, 1982, 96 Stat. 1058, added items 9841 and 9842.

1980—Pub. L. 96-513, title V, § 514(22)(C), Dec. 12, 1980, 94 Stat. 2937, substituted “remission or cancellation of indebtedness of enlisted members” for “deductions from pay” in item 9837.

1962—Pub. L. 87-480, § 1(5), June 8, 1962, 76 Stat. 94, struck out item 9833 “Accountability for public money; disbursing officers; agent officers”.

#### § 9831. Custody of departmental records and property

The Secretary of the Air Force has custody and charge of all books, records, papers, furniture, fixtures, and other property under the lawful control of the executive part of the Department of the Air Force.

(Aug. 10, 1956, ch. 1041, 70A Stat. 593.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9831 .....	5:191.	R.S. 217.

The words “under the lawful control of the executive part of the Department of the Air Force” are substituted for the words “appertaining to the Department”.

#### [§ 9832. Repealed. Pub. L. 110-181, div. A, title III, § 375(c)(1)(C), Jan. 28, 2008, 122 Stat. 84]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 593, authorized Secretary of the Air Force to prescribe regulations for property accountability.

#### [§ 9833. Repealed. Pub. L. 87-480, § 1(4), June 8, 1962, 76 Stat. 94]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 593, related to accountability of Air Force officers for public money. See section 2773 of this title.

#### [§ 9835. Repealed. Pub. L. 107-314, div. A, title X, § 1006(c)(1), Dec. 2, 2002, 116 Stat. 2633]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 593, related to action upon reports of surveys and vouchers pertaining to the loss, spoilage, unserviceability, unsuitability, or destruction of or damage to property of the United States under the control of the Department of the Air Force.

#### EFFECTIVE DATE OF REPEAL

Repeal applicable with respect to loss, spoilage, unserviceability, unsuitability, or destruction of, or damage to, property of United States under control of Department of Defense occurring on or after effective date of regulations prescribed pursuant to section 2787 of this title, see section 1006(d) of Pub. L. 107-314, set out as an Effective Date note under section 2787 of this title.

#### [§ 9836. Repealed. Pub. L. 110-181, div. A, title III, § 375(c)(1)(D), Jan. 28, 2008, 122 Stat. 84]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 594, prohibited unauthorized disposition of individual equipment by enlisted members of the Air Force.

**§ 9837. Settlement of accounts; remission or cancellation of indebtedness of members**

(a) IN GENERAL.—The Secretary of the Air Force may have remitted or cancelled any part of the indebtedness of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Air Force, but only if the Secretary considers such action to be in the best interest of the United States.

(b) RETROACTIVE APPLICABILITY TO CERTAIN DEBTS.—The authority in subsection (a) may be exercised with respect to any debt covered by that subsection that is incurred on or after October 7, 2001.

(c) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense.

(Aug. 10, 1956, ch. 1041, 70A Stat. 594; Pub. L. 85–861, § 33(a)(45), Sept. 2, 1958, 72 Stat. 1567; Pub. L. 87–649, § 14(c)(58), Sept. 7, 1962, 76 Stat. 502; Pub. L. 96–513, title V, § 514(22)(A), (B), Dec. 12, 1980, 94 Stat. 2936; Pub. L. 109–163, div. A, title VI, § 683(c)(1), Jan. 6, 2006, 119 Stat. 3323; Pub. L. 109–364, div. A, title VI, § 673(c)(1), (2), (e)(3), Oct. 17, 2006, 120 Stat. 2271, 2272; Pub. L. 110–181, div. A, title X, § 1063(c)(7)(C), Jan. 28, 2008, 122 Stat. 323.)

HISTORICAL AND REVISION NOTES  
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
9837(a) .....	10:875.	R.S. 1300.
9837(b) .....	10:875b.	R.S. 1301.
9837(c) .....	10:875a (less 3d and last provisos).	May 22, 1928, ch. 676, 45 Stat. 698; June 26, 1934, ch. 751, 48 Stat. 1222.
9837(d) .....	10:875a (last proviso).	
9837(e) .....	10:871.	R.S. 1303.
9837(f) .....	10:872.	R.S. 1304.
9837(g) .....	10:875c.	R.S. 1299.

In subsection (a), the words “sold to the member on credit under section 9621(a)(1) of this title” are substituted for the words “articles designated by the inspectors general of the Army, and sold to him on credit by officers of the Quartermaster Corps”, in 10:875. The words “at cost prices” are omitted to reflect section 9623 of this title.

In subsection (b), the last sentence is substituted for 10:875a (1st and 2d provisos). The words “on current payrolls” are omitted as surplusage.

In subsection (c), the words “Subject to subsection (b)” are substituted for the words “in the proportions hereinbefore indicated”.

In subsection (d), the words “If he considers it in the best interests of the United States” are substituted for the words “when in his opinion the interests of the Government are best served by such action”. The words “before, or at the time of” are substituted for the words “either on \* \* \* or prior thereto”.

In subsection (e), the words “member” and “his” are substituted for the words “officer or soldier”. The words “or implement” are omitted as surplusage.

In subsection (f), the words “or if an article of military supply with whose issue a commissioned officer is charged is damaged” are substituted for 10:872 (last sentence). The words “that he was not at fault” are substituted for the words “that said deficiency [such damage] was not occasioned by any fault on his part”.

In subsection (g), the words “bought on credit under section 9621(a)(1) of this title” are substituted for the words “designated by the officers of the Inspector-General’s Department of the Army and purchased on credit from commissaries of subsistence”.

## 1958 ACT

The change [in subsec. (b)] reflects the opinion of the Judge Advocate General of the Air Force (June 10, 1957) that the term “rate of pay”, as used in the source law for section 9837(b) (Act of May 22, 1928, ch. 676 (45 Stat. 698), as amended), included special pay and incentive pay.

The change [in subsec. (f)] reflects the opinion of the Assistant General Counsel (Fiscal Matters), Department of Defense (July 19, 1957), that section 1304, Revised Statutes (formerly 10 U.S.C. 872), the source law for this section, applied to warrant officers as well as to commissioned officers.

## AMENDMENTS

2008—Subsec. (a). Pub. L. 110–181 made technical correction to directory language of Pub. L. 109–364, § 673(c)(1). See 2006 Amendment note below.

2006—Pub. L. 109–163 amended section catchline and text generally. Prior to amendment, text read as follows: “If he considers it in the best interest of the United States, the Secretary may have remitted or cancelled any part of an enlisted member’s indebtedness to the United States or any of its instrumentalities remaining unpaid before, or at the time of, that member’s honorable discharge.”

Subsec. (a). Pub. L. 109–364, § 673(e)(3), substituted “The Secretary of the Air Force” for “If the Secretary considers it to be in the best interest of the United States, the Secretary” and inserted before period at end “, but only if the Secretary considers such action to be in the best interest of the United States”.

Pub. L. 109–364, § 673(c)(1), as amended by Pub. L. 110–181, substituted “of a person to the United States or any instrumentality of the United States incurred while the person was serving on active duty as a member of the Air Force” for “of a member of the Air Force on active duty, or a member of a reserve component of the Air Force in an active status, to the United States or any instrumentality of the United States incurred while the member was serving on active duty”.

Subsecs. (b) to (d). Pub. L. 109–364, § 673(c)(2), redesignated subsecs. (c) and (d) as (b) and (c), respectively, and struck out heading and text of former subsec. (b). Text read as follows: “The Secretary may exercise the authority in subsection (a) with respect to a member—

“(1) while the member is on active duty or in active status, as the case may be;

“(2) if discharged from the armed forces under honorable conditions, during the one-year period beginning on the date of such discharge; or

“(3) if released from active status in a reserve component, during the one-year period beginning on the date of such release.”

1980—Pub. L. 96–513 substituted “remission or cancellation of indebtedness of enlisted members” for “deductions from pay” in section catchline, and struck out designation “(d)” before “If he”.

1962—Pub. L. 87–649 repealed subsecs. (a) to (c) and (e) to (g) which related to deductions from pay. See subsecs. (b) to (g) of section 1007 of Title 37, Pay and Allowances of the Uniformed Services.

1958—Subsec. (b). Pub. L. 85–861, § 33(a)(45)(A), substituted “his pay for that month” for “his basic pay for that month”.

Subsec. (f). Pub. L. 85–861, § 33(a)(45)(B), substituted “an officer” for “a commissioned officer” in two places.

## EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110–181, div. A, title X, § 1063(c), Jan. 28, 2008, 122 Stat. 322, provided that the amendment made by section 1063(c)(7)(C) is effective as of Oct. 17, 2006, and as if included in the John Warner National Defense Authorization Act for Fiscal Year 2007, Pub. L. 109–364, as enacted.

## TERMINATION DATE OF 2006 AMENDMENT

Pub. L. 109–163, div. A, title VI, § 683(c)(3), Jan. 6, 2006, 119 Stat. 3324, which provided for termination of



amendments by Pub. L. 109-163, §683(c), amending this section and the analysis to this chapter, on Dec. 31, 2007, and restoration of provisions as in effect on the day before Jan. 6, 2006, was repealed by Pub. L. 109-364, div. A, title VI, §673(c)(3), Oct. 17, 2006, 120 Stat. 2272.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

#### EFFECTIVE DATE OF 1962 AMENDMENT

Amendment by Pub. L. 87-649 effective on Nov. 1, 1962, see section 15 of Pub. L. 87-649, set out as a note preceding section 101 of Title 37, Pay and Allowances of the Uniformed Services.

#### EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

#### REGULATIONS

Secretary of Defense to prescribe regulations required for purposes of this section, as amended by Pub. L. 109-364, not later than Mar. 1, 2007, see section 673(d) of Pub. L. 109-364, set out as a note under section 4837 of this title.

### § 9838. Settlement of accounts: affidavit of squadron commander

In the settlement of the accounts of the commanding officer of a squadron for clothing and other military supplies, his affidavit may be received to show—

- (1) that vouchers or squadron books were lost;
- (2) anything tending to prove that any apparent deficiency of those articles was caused by unavoidable accident, or by loss in actual service without his fault; or
- (3) that all or part of the clothing and supplies was properly used.

The affidavit may be used as evidence of the facts set forth, with or without other evidence, as determined by the Secretary of the Air Force to be just and proper under the circumstances.

(Aug. 10, 1956, ch. 1041, 70A Stat. 595.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9838 .....	10:1302.	R.S. 225 (less 1st sentence); added Feb. 27, 1877, ch. 69 (3d par.), 19 Stat. 241.

The word “anything” is substituted for the words “any matter or circumstance”. The words “properly used” are substituted for the words “legally used and appropriated”. The words “of the case” are omitted as surplusage.

### § 9839. Settlement of accounts: oaths

The Secretary of the Air Force may detail any employee of the Department of the Air Force to administer oaths required by law in the settlement of an officer's accounts for clothing and other military supplies. An oath administered under this section shall be without expense to the person to whom it is administered.

(Aug. 10, 1956, ch. 1041, 70A Stat. 595.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9839 .....	10:1303.	R.S. 225 (1st sentence).

The words “and other military supplies” are substituted for the words “camp and garrison equipage, quartermaster's stores, and ordnance” to conform to section 9838 of this title. The words “person to whom administered” are substituted for the words “parties taking them.” The words “for the purpose of” are omitted as surplusage.

### § 9840. Final settlement of officer's accounts

Before final payment upon discharge may be made to an officer of the Air Force who has been accountable or responsible for public property, he must obtain a certificate of nonindebtedness to the United States from each officer to whom he was accountable or responsible for property. He must also make an affidavit, certified by his commanding officer to be correct, that he is not accountable or responsible for property to any other officer. An officer who has not been responsible for public property must make an affidavit of that fact, certified by his commanding officer. Compliance with this section warrants the final payment of the officer concerned.

(Aug. 10, 1956, ch. 1041, 70A Stat. 595.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9840 .....	10:878.	Jan. 12, 1899, ch. 46, §2, 30 Stat. 784.

The words “Before final payment upon discharge may be made” are substituted for the words “shall warrant their final payment”. The words “at any time” are omitted as surplusage. The word “must” is substituted for the words “shall be required \* \* \* to”. The words “He must also make” are substituted for the words “accompanied by”. The words “from each officer to whom he was accountable or responsible for property” are substituted for the words “from only such of the bureaus of the Department of the Army to which the property for which they were accountable or responsible pertains”, since the Air Force does not have organic bureaus created by statute. The words “that he is not accountable or responsible for property to any other officer” are substituted for the words “accompanied by the affidavits of officers, of nonaccountability, or nonresponsibility to other bureaus of the Department of the Army” for the same reason. The reference to certificates from the General Accounting Office is omitted as obsolete. The last sentence is substituted for 10:878 (last 18 words). The last proviso of section 2 of the Act of January 12, 1899, ch. 46, 30 Stat. 784, is not contained in 10:878. It is also omitted from the revised section, since it related to authority of mustering officers to administer oaths, and the general authority to administer oaths is now contained in section 936 of this title (article 136 of the Uniform Code of Military Justice).

### § 9841. Payment of small amounts to public creditors

When authorized by the Secretary of the Air Force, a disbursing official of Air Force subsistence funds may keep a limited amount of those funds in the personal possession and at the risk of the disbursing official to pay small amounts to public creditors.

(Added Pub. L. 97–258, § 2(b)(14)(B), Sept. 13, 1982, 96 Stat. 1058.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9841 .....	31:493.	Mar. 2, 1907, ch. 2511 (proviso on p. 1166), 34 Stat. 1166.

The words “Secretary of the Air Force” are substituted for “Secretary of War” because of sections 205(a) and 207(a) and (f) of the Act of July 26, 1947 (ch. 343, 61 Stat. 501, 502), and sections 1 and 53 of the Act of August 10, 1956 (ch. 1041, 70A Stat. 157, 488, 676). For comparable provisions that apply to the Army, see the revision note for 10:4841.

#### § 9842. Settlement of accounts of line officers

The Comptroller General shall settle the account of a line officer of the Air Force for pay due the officer even if the officer cannot account for property entrusted to the officer or cannot make a monthly report or return, when the Comptroller General is satisfied that the inability to account for property or make a report or return was the result of the officer having been a prisoner, or of an accident or casualty of war.

(Added Pub. L. 97–258, § 2(b)(14)(B), Sept. 13, 1982, 96 Stat. 1058.)

#### HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9842 .....	31:44 (1st sentence).	June 10, 1921, ch. 18, § 304 (1st par. 1st sentence), 42 Stat. 24.
	31:95.	R.S. § 278.

The section is made applicable to the Air Force by section 207(a) and (f) of the Act of July 26, 1947 (ch. 343, 61 Stat. 502). For comparable provisions that apply to the Army, see the revision note for 10:4842.

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#### AMENDMENTS

2009—Pub. L. 111–84, div. A, title X, § 1073(a)(33), Oct. 28, 2009, 123 Stat. 2474, substituted “Reserve Active-Status List” for “Reserve-Active Status List” in item for chapter 1409.

2004—Pub. L. 108–375, div. A, title V, § 527(c), Oct. 28, 2004, 118 Stat. 1894, added item for chapter 1607.

1999—Pub. L. 106–65, div. A, title V, § 551(a)(2), Oct. 5, 1999, 113 Stat. 614, added item for chapter 1611.

1997—Pub. L. 105–85, div. A, title V, § 515(b), Nov. 18, 1997, 111 Stat. 1733, substituted “12551” for “[No present sections]” in item for chapter 1215.

1996—Pub. L. 104–201, div. A, title XII, § 1211(a)(2), Sept. 23, 1996, 110 Stat. 2691, added item for chapter 1006.

Pub. L. 104–106, div. A, title V, § 512(a)(2), title XV, § 1501(b)(1), Feb. 10, 1996, 110 Stat. 305, 495, added item for chapter 1214 and substituted “Repayment Programs” for “Repayments” in item for chapter 1609.